



# City of Rowlett

## Meeting Agenda

### City Council

4000 Main Street  
Rowlett, TX 75088  
www.rowlett.com

*City of Rowlett City Council meetings are available to all persons regardless of disability. If you require special assistance, please contact the City Secretary at 972-412-6115 or write 4000 Main Street, Rowlett, Texas, 75088, at least 48 hours in advance of the meeting.*

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Tuesday, July 7, 2015

5:30 P.M.

Municipal Building – 4000 Main Street

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As authorized by Section 551.071 of the Texas Government Code, this meeting may be convened into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item herein.

The City of Rowlett reserves the right to reconvene, recess or realign the Regular Session or called Executive Session or order of business at any time prior to adjournment.

1. **CALL TO ORDER**
2. **EXECUTIVE SESSION**
- 2A. The City Council shall convene into Executive Session pursuant to the Texas Government Code, §551.074 (Personnel) to discuss and deliberate on the evaluation and duties of the City's Municipal Court Judges: Owen Lokken, Pam Liston and Rick Schimmel. (45 minutes)
3. **WORK SESSION (6:15 P.M.)** \* Times listed are approximate.
- 3A. Discuss appointments to the Library Visioning Task Force. (30 minutes)
- 3B. Discuss approving a resolution amending the Master Fee Schedule for rate and fee changes to the Development Code Section for Plan Types associated with Form-Based Code Plan Review Fees. (15 minutes)
- 3C. Discuss amending the Fiscal Year 2014-15 Adopted Operating and Capital Improvements Program Budget. (20 minutes) (This item to be discussed at the conclusion of the Regular Session.)
- 3D. Discuss the scope of review for the Charter Review Commission. (20 minutes) (This item to be discussed at the conclusion of the Regular Session.)
- 3E. Discuss the purchase of playground construction materials and components from Play by Design in the amount of \$447,313.52 for the Kids Kingdom rebuild project. (20 minutes)
4. **DISCUSS CONSENT AGENDA ITEMS**

## **CONVENE INTO THE COUNCIL CHAMBERS (7:30 P.M.)\***

### **INVOCATION**

### **PLEDGE OF ALLEGIANCE**

#### **TEXAS PLEDGE OF ALLEGIANCE**

*Honor the Texas Flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.*

### **5. PRESENTATIONS AND PROCLAMATIONS**

- 5A.** Proclamation recognizing July as National Parks and Recreation Month.
- 5B.** Hear presentation of the Monthly Financial report for the period ending May 31, 2015.
- 5C.** Update from the City Council and Management: Financial Position, Major Projects, Operational Issues, Upcoming Dates of Interest and Items of Community Interest.

### **6. CITIZENS' INPUT**

*At this time, three-minute comments will be taken from the audience on any topic. To address the Council, please submit a fully-completed request card to the City Secretary prior to the beginning of the Citizens' Input portion of the Council meeting. No action can be taken by the Council during Citizens' Input.*

### **7. CONSENT AGENDA**

*The following may be acted upon in one motion. A City Councilmember or a citizen may request items be removed from the Consent Agenda for individual consideration.*

- 7A.** Consider action to approve minutes from the June 9, 2015, City Council Work Session and June 16, 2015, City Council Regular Meeting.
- 7B.** Consider a resolution rejecting bids for roadway improvements for the Right Turn Lane Project at State Highway 66 (Lakeview Parkway) and President George Bush Turnpike (PGBT) Northbound Frontage Road and authorizing staff to re-bid the project.
- 7C.** Consider action to approve a resolution to authorize the Mayor to execute Contract Amendment 1A-WA to the approved professional services agreement with The Wallace Group in an amount not to exceed \$40,040.00 for the engineering design of a 16-inch waterline along Miller Road from Rowlett Road to the President George Bush Turnpike (PGBT).
- 7D.** Consider action to approve a resolution for the purchase of playground construction materials and components from Play by Design in the amount of \$447,313.52 for the Kids Kingdom rebuild project.
- 7E.** Consider action to adopt an ordinance on the dissolution and termination of the Tax Increment Financing Reinvestment Zone Number One, City of Rowlett, Texas.

- 7F. Consider action approving a resolution amending the Master Fee Schedule for rate and fee changes to the Development Code Section for Plan Types associated with Form-Based Code Plan Review Fees.
- 7G. Consider action to approve an ordinance amending Section 70-241 of Chapter 70, Utilities, requiring mandatory connection to the City's sanitary sewer system for properties located within 300 feet of a sewer line.
- 7H. Consider a resolution approving a tree mitigation plan and related tree removal permit application for more than three trees associated with Platinum Storage located at 7301 Lakeview Parkway. (Case Number DP15-776).
- 7I. Consider action to approve a resolution for the purchase of software maintenance in the amount of \$157,581 for the Enterprise Resource Planning System to Tyler Technologies, Incorporated and authorizing the City Manager to execute the necessary documents to continue said services.

**8. ITEMS FOR INDIVIDUAL CONSIDERATION**

- 8A. Consider action to approve a resolution creating the Library Visioning Task Force, appointing members to the Library Visioning Task Force, and recognizing Council's choice for liaisons.
- 8B. Conduct a public hearing and take action on an ordinance adopting proposed text amendments to the Rowlett Development Code as it pertains to Landscaping in Section 77-504.
- 8C. Conduct a public hearing and take action on an ordinance to rezone from Single Family-40 Zoning District to the New Neighborhood Form-Based Zoning District, with Major Warrants to allow modification to the lighting and open space standards for buildings fronting on open space, for properties located at 4401, 4413, 4501, 4509, 4513, 4601, 4609, 4613 and 4701 Dexham Road. (Case FW14-740)

**TAKE ANY NECESSARY OR APPROPRIATE ACTION ON CLOSED/EXECUTIVE SESSION MATTERS**

**9. ADJOURNMENT**

*Laura Hallmark*

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Laura Hallmark, City Secretary

I certify that the above notice of meeting was posted on the bulletin boards located inside and outside the doors of the Municipal Center, 4000 Main Street, Rowlett, Texas, as well as on the City's website ([www.rowlett.com](http://www.rowlett.com)) on the 3<sup>rd</sup> day of July 2015, by 5:00 p.m.



**City of Rowlett**  
**Staff Report**

4000 Main Street  
P.O. Box 99  
Rowlett, TX 75080-0099  
[www.rowlett.com](http://www.rowlett.com)

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**AGENDA DATE:** 07/07/15

**AGENDA ITEM:** 2A

**TITLE**

The City Council shall convene into Executive Session pursuant to the Texas Government Code, §551.074 (Personnel) to discuss and deliberate on the evaluation and duties of the City's Municipal Court Judges: Owen Lokken, Pam Liston and Rick Schimmel. (45 minutes)



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**AGENDA DATE:** 07/07/15

**AGENDA ITEM:** 3A

**TITLE**

Discuss appointments to the Library Visioning Task Force. (30 minutes)

**STAFF REPRESENTATIVE**

Kathy Freiheit, Director of Library Services

**SUMMARY**

At the June 9, 2015, Council work session, staff presented a proposal for the creation of a Library Visioning Task Force.

Comprised of citizen stakeholders, Task Force members will work with Council liaisons, City and Library staff, and the Village of Rowlett developers' representatives to provide input and make recommendations for interior design and utilization of space within the Intermediate Library facility in downtown Rowlett. The Task Force will return later this year to share their findings and to seek Council approval of their recommendations.

The purpose of this item is to discuss and select members for appointment to the Task Force.

**BACKGROUND INFORMATION**

The Village of Rowlett groundbreaking is scheduled for July 17, 2015. Construction of the Intermediate Library facility is expected to begin in mid-August, with building completion anticipated by late 2016.

Over the next six months, the Library Visioning Task Force will create a framework for what the 12,000 sf intermediate Library facility in the Village of Rowlett will look like. To this end, Task Force members will explore the role of libraries in an age of e-books and online content, discuss assigned readings about 21<sup>st</sup> Century libraries, observe operations at newer Metroplex libraries, create a survey to assess community information needs, and engage in charrette-style conversations about future library resource and service offerings.

Based on their findings, the Task Force will return to Council in November or December with their recommendations for interior design and prioritization of space within the Intermediate Library facility.

## DISCUSSION

Based upon the consensus provided by Council at the June 9, 2015, work session, a slate of potential Task Force members has been prepared for Council's consideration.

### Voting Membership

- (1) Library Advisory Board Regular member & (1) Alternate member
- (1) Friends of the Rowlett Public Library board Regular member & (1) Alternate member
- (1) Library Volunteer member
- (2) Citizen At-Large members

The following chart shows nominations made by the Library Advisory Board and Friends of the Rowlett Public Library board for representatives from their respective organizations. Library staff have nominated Banna Marshburn, a long-standing English as a Second Language tutor who serves the community as a Library volunteer.

Description	Regular Members	Alternates
<b>Library Advisory Board</b>	Pat Harris, Regular	Cassie Wilson, Alternate
<b>Friends of the Rowlett Public Library</b>	Stanley Pollard, Regular	Jerry Hickman, Alternate
<b>Library Volunteer</b>	Banna Marshburn	
<b>Citizen At-Large</b>	(1) TBD (2) TBD	

Staff are continuing to verify potential Task Force member applications for the Citizen At-Large positions. A list will be presented for Council review and selection at this work session.

### Ex Officio Membership

- City Manager
- Director of Library Services
- (2) Library Administrative Staff
- (1) Village of Rowlett Developers' Representative
- (2) Council Liaisons

City Manager Brian Funderburk, Director of Library Services Kathy Freiheit, and Library Administrative Team members Laura Tschoerner and Philip Barott will serve ex officio in facilitating and supporting the work of the Task Force. Paris Rutherford, or his alternate Lauren Partovi, will serve in this capacity on behalf of Village of Rowlett developer, Integral Catalyst.

Additionally, Council may wish to choose a Council liaison and an alternate to participate in the process.

**RECOMMENDED ACTION**

This item is slated for Individual Consideration at this meeting.



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**AGENDA DATE:** 07/07/15

**AGENDA ITEM:** 3B

**TITLE**

Discuss approving a resolution amending the Master Fee Schedule for rate and fee changes to the Development Code Section for Plan Types associated with Form-Based Code Plan Review Fees. (15 minutes)

**STAFF REPRESENTATIVE**

Marc Kurbansade, Director of Development Services

**SUMMARY**

The purpose of this item is to discuss an amendment to the Master Fee Schedule from an hourly rate to a flat fee for Form-Based Code plan review prior to formal consideration on the consent agenda.

**BACKGROUND INFORMATION**

When the City Council adopted the Form-Based Code (FBC) in 2012 the requirement for an Urban Design Officer (UDO) was incorporated into the code. Section 1.4.5 of the FBC states the following in relation to the UDO:

*“An Urban Design Officer (UDO) will serve as a technical advisor to the City Manager and the DRC [Development Review Committee], and will have demonstrated experience with mixed-use, pedestrian-oriented development.*

*The UDO will be appointed by the City Manager upon recommendation of the Planning Director, and the cost of the UDO’s services will be borne by development fees paid to the City. The UDO will be assigned to advise on the use of this Chapter and to aid in the layout of properties and design of buildings based on this Chapter.”*

In 2013, the City Council authorized the City Manager to enter into an agreement with Townscape, Inc. to act as the City’s UDO. Recently, Townscape, Inc. informed Staff that they will no longer be available to offer UDO services on a consistent basis due to key associates relocating outside of the DFW Metroplex. The current fee schedule for FBC plan review reflects an hourly rate specific to Townscape, Inc. and as such, must be revised.

**DISCUSSION**

Based on the way that “Urban Design Officer” is defined within the FBC (see above reference), it is Staff’s interpretation that the role of the UDO can be accomplished through either a third party consultant or a City employee if the employee possesses the appropriate amount of urban design

experience and expertise. When the FBC was first adopted, a third party UDO was critical as Staff was learning how to navigate the new process. However, after three years of working alongside Townscape, Inc. and after hiring Daniel Acevedo, Urban Design Manager, who is an accredited urban design professional, it is Staff's professional opinion that the UDO function can successfully be carried out by City Staff for the foreseeable future. Should there be a change in staffing, then the role of UDO will be reevaluated.

Since the current fee schedule reflects an hourly rate established by Townscape, Inc. it is necessary to change the fee structure to a flat rate. In making this conversion, it is not accurate to simply take Townscape's average review time and divide it by the Urban Design Manager's hourly salary rate. Since the current UDO structure involves a pass through cost to applicants, Staff has worked to create a review process that reduces the cost to the applicant to the greatest extent possible. To that end, Staff performs a detailed review and then asks the UDO to review the overarching elements of the plan in order to reduce their review time and, in turn, reduce costs to the applicant. This is important to note because while the UDO may average ten hours of review time on a project, the overall review time including Staff's time averages closer to 30 hours per project.

Since the City's Urban Design Manager will now be acting in the capacity of UDO, the entire review process will be conducted by City Staff. Therefore, Staff recommends that the flat rate be based on an average review time of 30 hours. When multiplied by \$50, that equates to \$1,500 for each plan type. A separate fee of \$250 will be established for standalone major warrants as they take significantly less time to review. An example of a standalone major warrant is a sign request for an existing building that is not directly tied to a formal plan submittal. All other major warrants are included within the \$1,500 flat rate and will not be a separate charge to the applicant. For purposes of comparison, based on an average review time of 10 hours, previous applicants have been paying approximately \$2,220 for each plan review under the current fee structure. However, since the fees are calculated on an hourly basis the specific amounts vary considerably by project. By moving to the proposed flat rate fee structure, applicants will know their plan review costs upfront and will experience an overall reduction in fees. It is understood that some projects may take more or less time than others, but Staff is confident that the proposed flat rate will cover the average time associated with the FBC plan review process.

In addition to the abovementioned changes, since the adoption of the original fee schedule in 2013, additional plan types have been added to the FBC review process as reflected in the proposed amendment outlined below.

Currently the Master Fee Schedule indicates the following:

<b>Form-Based Code Plan Review:</b>	
<b>RES-108-12 Framework Plan</b>	\$220 per hour, plus any applicable public notification fees
<b>RES-108-12 Regulating Plan</b>	\$220 per hour, plus any applicable public notification fees
<b>RES-108-12 Development Plan</b>	\$220 per hour, plus any applicable public notification fees

The proposed fee schedule is as follows:

<b>Form-Based Code Plan Review:</b>	
<b>Framework Plan</b>	\$1,500
<b>Phased Master Plan</b>	\$1,500
<b>Regulating Plan</b>	\$1,500
<b>Development Plan</b>	\$1,500
<b>Standalone Major Warrants (3 or fewer) that are not addressed within one of the plan types listed above.</b>	\$250

### **FINANCIAL/BUDGET IMPLICATIONS**

Per the definition in the FBC, *“the cost of the UDO’s services will be borne by development fees paid to the City.”* To that end, Staff calculated the hourly rate for the Urban Design Manager position (\$50.00) and the average number of hours that FBC projects take to review including any major warrants that are incorporated into the submittal package (30 hours). By converting the fees to a flat rate versus an hourly rate, Staff will be able to provide applicants with a clear cost up front, which will reduce frustration amongst the development community. It is understood that some projects may take more or less time than others, but Staff is confident that the proposed fees will cover the average time associated with the FBC plan review.

### **RECOMMENDED ACTION**

This is a discussion item only in preparation for the formal item included for consideration on the consent agenda.



City of Rowlett  
Staff Report

4000 Main Street  
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**AGENDA DATE:** 07/07/15

**AGENDA ITEM:** 3C

**TITLE**

Discuss amending the Fiscal Year 2014-15 Adopted Operating and Capital Improvements Program Budget. (20 minutes)

**STAFF REPRESENTATIVE**

Terri Doby, Budget Officer

**SUMMARY**

Regular budget amendments are an accepted practice in local government and represent a visible demonstration that the municipality manages its fiscal affairs appropriately and with transparency. City staff has completed a detailed analysis of revenues and expenditures and recommends adjustments consistent with that analysis.

May 2015 has now been recorded as the wettest single month on record in Texas and Oklahoma. As a result, greater than anticipated revenue shortfalls in the Utility Fund necessitate additional adjustments to the budget. Staff continues to monitor the budget and the cost controls established to mitigate the impact of any changes in circumstances.

**BACKGROUND INFORMATION**

On September 16, 2014, the City Council adopted the operating and capital improvements program budget for Fiscal Year 2015 and the Master Fee Schedule with the changes to the various rates and fees, including a surcharge on water due to the expected continuation of Stage 3 water restrictions. The surcharge was for \$6.97 per month and was intended to remain until the water restrictions were lifted.

On April 9, 2015, the North Texas Municipal Water District (NTMWD) announced that they would eliminate the Stage 3 water restrictions effective May 1, 2015. As a result, the City eliminated the monthly surcharge effective May 1<sup>st</sup>.

May 2015 has now been recorded as the wettest single month on record in Texas and Oklahoma. The official National Weather Service observation site for Dallas proper is Love Field, where 14.98 inches of rain was measured in May. That broke the May record of 13.74 inches set in 1957.

**DISCUSSION**

The City should proactively address the continuing revenue shortfall in the Utility Fund. Revenue projections are based on projected usage of water and sewer. Lower usage than projections are resulting from the combination of both the Stage 3 water restrictions and the record-breaking

rainfall in May. As a result, usage is down by more than 12 percent from the FY2015 budgeted projection. Currently, water revenue is 7.2 percent or \$736,386 behind projection.

City staff has completed a detailed analysis of Utility Fund expenditure budgets and recommends reducing the FY2015 budget by \$1,086,700, which is made up of \$736,386 in water revenue and \$350,314 in sewer revenue.

**Operating budget:**

Description	FY2015 Adopted	Change	FY2015 Revised
<b>Revenue:</b>			
Charges for Services	\$28,454,087	\$(1,086,700)	\$27,367,387
Other	11,976		11,976
Transfers In	139,397		139,397
<b>Current Revenues</b>	<b>\$28,605,460</b>	<b>\$(1,086,700)</b>	<b>\$27,518,760</b>
<b>Expenses:</b>			
Personnel Costs	\$2,184,764		\$2,184,764
Supplies	304,197	(11,950)	292,247
Purchase Services	12,296,266	(331,348)	11,964,918
Capital Outlay	287,628	(100,084)	187,544
Capital Improvements	2,800,000	(100,000)	2,700,000
Debt Service	4,712,956		4,712,956
Transfers Out	5,476,331		5,476,331
<b>Total Expenses</b>	<b>\$28,062,142</b>	<b>\$(543,382)</b>	<b>\$27,518,760</b>
<b>Net Change*</b>		<b>\$(543,318)</b>	

**\*Note: The City's FY2015 Adopted Budget reflected a budget surplus of \$543,318 that was primarily due to the City's strategy to sell \$5.0 million out of a possible \$10.0 million in revenue bonds. This formed a "buffer" in FY2015 against potential revenue declines and therefore, is being used in this budget amendment to absorb about half of the impact.**

**Utility Cash Capital Improvements Program:**

	Project Number	Title	Adjustment
Revenue decrease	n/a	Transfer From Utility Fund	(100,000)

	<b>Project Number</b>	<b>Title</b>	<b>Adjustment</b>
Expenditure decrease	WA2106	Capital Equipment Leasing	(100,000)

As indicated above, due to lower than projected usage during the Stage 3 water restrictions and the amount of precipitation that has fallen in the Rowlett area during the month of May, staff believes that it will be very difficult to make up enough usage in the remaining summer months to hit our target. As a result, staff is recommending a two-fold approach to the Utility Fund in FY2015 to manage this issue.

1. Amend the budget for \$1.1 million by reducing expenses and eliminating the surplus buffer budgeted in FY2015.
2. Set aside \$400,000 from the amount allocated to the Utility Fund Cash CIP. If we hit our target in the remaining months, this amount will be reinstated for ongoing projects. If the target is missed, then this amount will be used to cover any additional shortfall.

#### **FINANCIAL/BUDGET IMPLICATIONS**

As indicated, this ordinance adjusts revenues and expenditures identified for FY2015. Exhibit A to the proposed ordinance details the type and purpose for the operating budget. Exhibit B details the project reductions for the cash Capital Improvements Budget.

#### **RECOMMENDED ACTION**

City staff recommends the City Council direct staff to draft an ordinance approving the restructuring and amending of the FY2015 Adopted Budget for the next regular City Council meeting.

#### **ATTACHMENTS**

Exhibit A – Utility Fund Budget Amendment FY2015

Exhibit B – Utility Cash Capital Improvement Fund Budget Amendment FY2015

**FY 2015****CITY OF ROWLETT BUDGET****UTILITY FUND**

	Adopted FY2014-15	Change	Revised Adopted FY2014-15
Revenues:			
Beginning Resources	\$ 7,608,008		\$ 4,039,203
Current Revenues:			
Tax Revenues	-		-
Franchise Fees	-		-
Licenses and Permits	-		-
Charges for Services	28,454,087	(1,086,700)	27,367,387
Fines & Forfeitures	-		-
Other	11,976		11,976
Transfers In	139,397		139,397
Current Revenues	28,605,460	(1,086,700)	27,518,760
Available Resources	36,213,468	(1,086,700)	31,557,963
Expenditures:			
Personnel Services	2,184,764		2,184,764
Supplies	304,197	(11,950)	292,247
Purchase Services	12,296,266	(331,348)	11,964,918
Capital Outlay	287,628	(100,084)	187,544
Capital Improvements	2,800,000		2,800,000
Debt Service	4,712,956		4,712,956
Transfers Out	5,476,331	(100,000)	5,376,331
Total Expenditures	28,062,142	(543,382)	27,518,760
Ending Resources	\$ 8,151,326	\$ (543,318)	\$ 4,039,203

CITY OF ROWLETT  
BUDGET AMENDMENT - FY 2014-2015

BUDGET CHANGES

PROJECT NUMBER	PROJECT NAME OR ACCOUNT DESCRIPTION	ACCOUNT NUMBER	CURRENT BUDGET	INCREASE	DECREASE	REVISED BUDGET	PURPOSE
REVENUE DECREASE	Transfer to CIP	520 5020	\$2,800,000		(\$100,000)	\$2,700,000	Reduction necessary as a result of the adjustment to the UF Cash CIP transfer .
EXPENDITURE DECREASE WA2106	Capital Equipment Leasing	5208101	\$438,000		(\$100,000)	\$338,000	Utility Fund Budget Reduction



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**AGENDA DATE:** 07/07/15

**AGENDA ITEM:** 3D

**TITLE**

Discuss the scope of review for the Charter Review Commission. (20 minutes)

**STAFF REPRESENTATIVE**

Jim Proce, Assistant City Manager

**SUMMARY**

The City has recently received inquiries about creating a new Charter Review Commission and the Council is desirous of moving forward with the creation of a Commission. On June 16, 2015, the Council appointed a Charter Review Commission. The purpose of this item is to discuss and confirm the assignment of a scope of review for the Commission. Providing guidance to the Commission on the scope of review will ensure the timely review of the assigned task.

**BACKGROUND INFORMATION**

In the May 12, 2015, work session, the Council gave consensus to staff to proceed with preparation for appointing a Charter Review Commission in accordance with the Charter provisions, inclusive of items of interest for the scope of review.

The Charter states, "**The City Council shall determine the scope of the review by the Commission. The Commission shall determine whether the Charter requires revision or amendment. The Commission may request factual information concerning the operation of the City and such information may be provided in writing or orally. The Commission may hold public hearings regarding the Charter. The Commission shall make recommendations for changes to the Charter without any consideration of the impact upon staff or cost to the City. The Commission shall report its findings and present its recommendations regarding the Charter to the City Council at a regular or special meeting.**"

**DISCUSSION**

Based upon the consensus provided by Council at the May 19, 2015, work session, staff provided a slate of potential Commission members. On June 16, 2015, the Council established Commission by selection of the members under individual consideration. The Council chose seven members as provided for in the Charter as well as two alternates in the event that a member withdraws during the process. Additionally, Council chose a Council liaison to participate in the process.

Confirmation of and clarity on the scope of assignments for the Charter Review Commission is being sought to provide guidance and lend efficiency to the Charter Review Commission to prepare for a May 2016 potential election date.

Prior Council discussions on scope of review included, but were not limited to, the following comments and concerns to be considered:

- Textual rewrite/update of the document that would be completed/overseen by the City Attorney
- Omission of or revisions to term limits or term durations for Councilmembers of the City of Rowlett
- Determination of appropriate compensation for Councilmembers of the City of Rowlett
- Prohibition of alcohol sales in residential zoning/neighborhoods
- Review of Section 3.08 (1) with regard to automatic resignation upon declaring candidacy for another seat

The Council may include other items for review or concerns for the Commission review and considerations. Providing such guidance to the Commission ensures the efficient, successful and timely review of the Charter.

#### **FINANCIAL/BUDGET IMPLICATIONS**

Costs associated with a Charter Amendment election include: City Attorney costs for development of proposition language; translation fees for proposition language, election orders and notices; and increased cost for additional ballot language. These costs will be budgeted in the FY2016 budget. As a frame of reference, funds in the amount of \$42,700 were budgeted in the FY2015 budget.

Costs associated with any amendments are undetermined and would be considered upon adoption.

#### **RECOMMENDED ACTION**

Staff seeks direction from Council concerning the specific scope of review to be assigned to the Charter Review Commission.

#### **ATTACHMENT**

Attachment 1 – Rowlett Charter



**CITY OF ROWLETT, TEXAS**

**THE CHARTER REVIEW COMMISSION**

Dr. Michael Lucas, Chairman  
Tammy Dana-Bashian  
Mick Donnelly  
David Jenkins  
Whitney Laning  
Kevin Lawson  
Pamela Liston  
Susie Quinn  
Jeffrey Sheldon  
Brownie Sherrill  
Donna Davis - Council Liaison

The Citizens Amended the Charter on May 11, 2013

\* \* \* \*

**ROWLETT CITY COUNCIL**

Mayor Todd Gottel  
Mayor Pro Tem Doug Phillips  
Deputy Mayor Pro Tem Michael Gallops  
Councilmember Carl Pankratz  
Councilmember Ron Miller  
Councilmember Donna Davis  
Councilmember Chris Kilgore

\* \* \* \*

**City Appointed Officials**

Lynda K. Humble, City Manager  
David Berman, City Attorney  
Laura Hallmark, City Secretary

**HOME RULE CHARTER  
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**HOME RULE CHARTER  
FOR  
THE CITY OF ROWLETT, TEXAS**

**PREAMBLE**

We, the citizens of Rowlett, Texas, in order to establish a Home Rule municipal government, provide for the progress of our city, secure fully the benefits of local self-government, promote economic and cultural prosperity, provide for the common welfare, insure health and safety, support municipal cooperation, and encourage all citizens to participate in the process of self-governing, hereby adopt this Home Rule Charter, as an expression of our city's purpose and in accordance with the statutes of the State of Texas; and we declare the City of Rowlett, in Dallas and Rockwall Counties, to be a political subdivision of the State of Texas with all powers, rights, privileges, authorities, duties and immunities of local self-government as are provided and limited in this Charter.

**ARTICLE I**

**Form of Government and Boundaries**

**SECTION 1.01 Form of Government**

The municipal government provided by this Charter shall be known as the "Council-Manager Government". Pursuant to its provisions and subject only to the limitations imposed by the Constitution of the United States, the Texas Constitution, the statutes of the State of Texas, and this Charter, all powers of the City of Rowlett shall be vested in an elected City Council, hereinafter referred to as the "City Council", which shall enact local legislation, adopt budgets, determine policies, appoint the City Manager, and such other officers as expressly provided herein. The City Manager shall be responsible to the City Council for the execution of the laws and the administration of the government of the City of Rowlett. All powers of the City of Rowlett shall be exercised as prescribed by this Charter.

**SECTION 1.02 Boundaries**

The boundaries of the City of Rowlett shall be the same as have been heretofore established and now exist as recorded on the official City map as provided by this Charter. The citizens of the City of Rowlett residing within its corporate limits, as heretofore or hereafter established, are hereby constituted and shall continue to be a municipal body politic and corporate, in perpetuity, under the name of the "City of Rowlett", hereinafter referred to as the "City", in the State of Texas, hereinafter referred to as the "State", with such powers, privileges, rights, duties, authorities, and immunities, as are herein provided.

**SECTION 1.03      Extension and Alteration of Boundaries**

- (1) The City Council shall have power by ordinance to fix the boundary limits of the City; and to provide for the alteration and the extension of said boundary limits and the annexation of additional territory lying adjacent to the City, with or without the consent of the inhabitants of the territory annexed in accordance with State law<sup>1</sup>. When any additional territory has been so annexed, same shall be a part of the City and the property situated therein shall bear its pro rata part of the taxes levied by the City and thereafter the inhabitants shall be entitled to all the rights and privileges of all citizens, and shall be bound by the acts, ordinances, resolutions, and regulations of the City. The City shall thereafter, by ordinance, amend the official map of the boundaries to include such property so annexed.
- (2) The City Council may, in its exclusive discretion, by ordinance exclude from the City any territory within the corporate limits of the City, in accordance with State law<sup>2</sup>.
- (3) The City Council may, in its exclusive discretion, by ordinance exclude from the City any territory within the corporate limits of the City when and if at least sixty percent (60%) of the inhabitants thereof qualified to vote for members of the City Council shall present a verified petition requesting that such territory be discontinued as a part of the City and tender to the City Secretary with such petition a sum of money equivalent to that percentage of the then outstanding indebtedness of the City for bonds and warrants and a fair proportion of the then existing budget which the assessed value of all property within such territory on the tax rolls and next preceding the presentation of such petition bears to the total value of all property on said rolls. The City Council shall never, regardless of the facts and circumstances, be required to discontinue any territory as a part of the City except at its exclusive discretion expressed by ordinance.

**ARTICLE II****Powers of the City****SECTION 2.01      Powers of the City**

- (1) The City is made a body politic and corporate by the legal adoption of this Charter. The City shall have all the powers vested in home rule municipal corporations except as may be limited by the Constitution of the United States, the Texas Constitution, and the statutes of the State.
- (2) The enumeration of particular powers by the Charter shall not be held or deemed to be exclusive, but, in addition to the powers enumerated therein or implied thereby, or appropriate to exercise of such powers, it is intended that the City shall have, and may exercise all powers except as limited by this Charter. All powers of the City, whether expressed or implied, shall be exercised as

prescribed by this Charter or, if not prescribed therein, then as provided by ordinance or resolution of the City Council.

### **SECTION 2.02 Legislative Authority**

The City by and through its City Council shall have the power to enact and enforce all ordinances and resolutions necessary to protect health, life, and property; and to prevent and summarily abate and remove all nuisances; and preserve and enforce good government and order and security of the City and its inhabitants; and to enact and enforce all ordinances and resolutions on any and all subjects which shall be consistent with the provisions of this Charter.

### **SECTION 2.03 Municipal Court**

- (1) Establishment - The City shall create and establish a municipal court to be known as the Municipal Court of the City of Rowlett, Texas. The Municipal Court shall have jurisdiction of all criminal cases arising under the ordinances of the City and concurrent jurisdiction with the Justice of the Peace of the precinct of which the City is or may be situated of all criminal cases arising under State law<sup>3</sup>, where such offenses are committed either within the territorial limits of the City or in an area lying outside the corporate limits of the City in which area the City is authorized to exercise its police powers as set forth but not necessarily limited to the areas provided by State law<sup>4</sup> and where the punishment is by fine only and the maximum of said fine does not exceed the maximum fine authorized to be imposed by municipal courts under the State law<sup>5</sup> or any amendments thereto.
- (2) Additional Courts - The City shall have the power to create and establish additional municipal courts, and to appoint one or more s of each municipal court, whether one or more, each of whom shall be a magistrate and each judge of a municipal court, now existing or hereinafter created, shall be appointed by the City Council, for a term of 2 years; and the City shall have the power to create and establish additional courts as may from time to time be authorized by the legislature of the State.
- (3) Civil Jurisdiction - The Municipal Court shall have civil jurisdiction as provided by State law<sup>6</sup> or ordinance of the City Council.
- (4) Take-Line Jurisdiction - The Municipal Court shall also have jurisdiction, both separately and jointly, with any other governmental entity over any such offense committed within the area lying between the water line of Lake Ray Hubbard and the take-line<sup>7</sup> of the City of Dallas.
- (5) Rules - All complaints, prosecutions, the service of process, commitment of those convicted of , the collection and payment of fines, the attendance and service of witnesses and juries, bail and the taking of bonds, and punishment for contempt shall be governed by the provisions of the rules established by the Supreme Court of Texas<sup>8</sup> applicable to municipal courts.
- (6) Appeals - Appeals from convictions in the Municipal Court shall lie to the county criminal court, and such appeals shall be governed by the same rules of practice

and procedure as are provided by State law<sup>9</sup> in cases of appeals from the justice court to said county criminal court, as far as said rules are applicable.

- (7) Clerk - The Clerk of Municipal Court and such deputies as shall be appointed by the City Manager, shall have the power to administer oaths and affidavits, make F, affix the seal of the Municipal Court thereto; and generally do and perform any and all acts usual and necessary by clerks of courts in issuing processes of courts and conducting the business thereof.
- (8) Expense and Fines - All special expense and fines imposed by the Municipal Court(s) shall be paid into the City general fund for the use and benefit of the City, as may be consistent with present and future laws.

#### **SECTION 2.04 Enumerated Governmental Powers**

- (1) Real Estate - The City has full authority as a Home Rule municipal corporation and as such it has authority to acquire and own real estate in fee simple title, or held by lease, sufferance, easement or otherwise, all public buildings and improvements, and structure or whatever type and character, and any and all property, whether real or personal, of whatever kind, character or description now owned or controlled by the City shall vest in, inure to, remain and be the property of said City under this Charter. In the event that the City shall lease any real property in excess of twenty (20) years, the City Council shall hold a public hearing.
- (2) Public Rights-Of-Way - The City shall have the power to lay out, establish, open, alter, widen, lower, extend, grade, construct, abandon, and improve streets, alleys, sidewalks, squares, parks, public places, bridges, and public thoroughfares or rights-of-way; and to otherwise regulate and control the use thereof for any and all public purposes all obstructions, telegraph, telephone or other poles, carrying electric wires or signs, and all showcases and encroachments of every nature and character upon any said street, right-of-way and sidewalk, and to vacate and close public ways; and the City shall have the power to make any improvements as provided by State law<sup>10</sup>.
- (3) Regulation of Vehicles - The City shall have the power by ordinance or otherwise to license, operate, and control the operation of any vehicle using public streets or rights-of-way.
- (4) Regulation of Railroads - The City shall have the power by ordinance or otherwise to direct and control, within the City limits, the speed of engines, locomotives, and motor cars operating on railroad tracks.
- (5) Regulation of Public Utilities - The City shall have the power to buy, own, sell, construct, lease, maintain, operate, and regulate public services and utilities; and to manufacture, distribute, and sell the output of such services and utility operations. The City shall have such regulatory and other powers as may or hereafter be granted under State law<sup>11</sup>; and, by ordinance, to determine, fix, and regulate the charges, fares or rates of compensation to be charged by any person, firm or corporation enjoying a franchise for utilities in the City.

- (6) Operation of Public Services or Utilities by City - The City shall have the power to build, construct, purchase, own, lease, maintain, and operate, within or without the City limits, light and power systems, water systems, sewer systems or sanitary disposal, natural gas, parks drainage, and any other public service or utility; power to borrow and encumber such system or systems, as deemed in the public interest.
- (7) Purchase Utility Services - The City shall have the power to purchase electricity, gas, oil or any other article or service essential to protect the health, safety, and welfare of its inhabitants on such terms as the City Council may deem proper.
- (8) Transportation Facilities - The City may acquire, maintain, operate and regulate any, and all modes of transportation facilities or services; and, use public funds for such purposes, and issue such debt or funds as permitted by this Charter. The City must secure approval by voter referendum before establishing and/or participating in an air transportation facility of any kind.
- (9) Parks and Recreation - The City may acquire, maintain, operate, and regulate within its exclusive control all City parks and recreation facilities whether within or without the City limits.
- (10) Underground Utilities - The City may require the placing under the surface of the ground all wires or any above ground construction of any public utilities within any limits of the City under such regulation as may be prescribed by the City Council from time to time.
- (11) Fire Prevention - The City shall provide for the establishment and designation of fire limits and prescribe the kind and character of buildings or structures or improvements to be erected therein; provide for the erection of fireproof buildings within certain limits; and provide for the condemnation of dangerous structures of buildings or dilapidated buildings or buildings calculated to increase the fire hazard, and the manner of their removal or destruction.
- (12) Public Safety - The City shall have the power by ordinance to establish and maintain a police and fire department(s) by whatever name known and to prescribe the duties of the members of each such department(s) and regulate their conduct and their salary ranges. The head of the police department of the City shall be known and designated as "Chief of Police"; and the head of the fire department of the City shall be known and designated as "Fire Chief". The City Council shall provide by ordinance staff requirements for each such department.
- (13) Contracts - The City shall have the power to enter into contracts for goods and services. Such authority is subject to the limitation regarding competitive bidding as provided by State law<sup>12</sup> or as may otherwise be limited by this Charter. The City or anyone acting on its behalf shall not make any contract for goods, materials, services or supplies for the current use of any department of the municipality for more than one (1) year, except as provided by State law<sup>13</sup>. The City hereby adopts the requirements and exceptions concerning the provisions of State law<sup>14</sup> regarding goods and acquisition.

- (14) Land Use – The City shall have full power and authority to zone and regulate the subdivision of land in the City and to pass all necessary ordinances, rules and regulations governing the same under and by virtue of the authority given to cities and legislative bodies in accordance with State law<sup>15</sup>. The City will maintain an official city map describing the official city limits as required by State law<sup>16</sup>. The City Council shall update the official city map annually by ordinance.
- (15) Franchises – The City shall have full power and authority to franchise as provided by this Charter.

#### **SECTION 2.05 Health Regulations**

- (1) Regulations – The City shall have the power to provide for the health, safety, and welfare of its inhabitants by establishing all necessary rules and regulations protecting the health, safety, and welfare of the City.
- (A) The City shall have the power by ordinance or otherwise to regulate, license and inspect persons, firms, corporations, common carriers, or associations operating, managing, or conducting any activities including, but not limited to, any of the following:
1. place of public accommodation, hotel or any other public sleeping or eating place;
  2. place or vehicle where food or drink of any kind is manufactured, prepared, stored, packed, served, sold or otherwise handled within the City or limits of said City;
  3. any and all health conditions; and
  4. any sanitary sewer and to require property owners to connect their premises with such system; to provide for fixing penalties for failure to make sanitary sewer connections; and to provide for fixing a lien against any property owners' premises who fails or refuses to make sanitary sewer connections and to charge the cost against said owner and make it a personal liability; to fix charges and compensation to be charged by the City for sewer services, and to provide rules and regulations for the collection thereof.
- (B) The City shall have the power to define all nuisances and prohibit the same within the City and outside the City limits for a distance in accordance with State law<sup>17</sup>; to have power to police in all parks or grounds, street right-of-way owned by the City or under lease to the City and lying both outside and inside said City; to prohibit the pollution of air or waterways, walkways of any kind, water deposit and reservoir, whether above or below the ground, which may constitute the source of storage of water supply, and to provide for policing the same, as well as to provide for the protection of any watersheds and the policing of the same.
- (2) Penalties or Fines – The City shall have the power to provide for the fixing of penalties for failure of any person, firm, corporation or association to comply

with any such rules and regulations so prescribed by the City under the provisions of this section; it being the intention to vest in the City not only the powers expressly enumerated in this section but all other powers reasonably necessary for the protection of the health of the City and its citizens.

### ARTICLE III

#### City Council

##### SECTION 3.01 Governing Body

The governing body of the City shall be known as the "City Council" and shall consist of a Mayor and six (6) Councilmembers.

##### SECTION 3.02 Elected Officers

- (1) Members - The members of the City Council of the City, which include the Mayor and six (6) Councilmembers, shall be the only elected officers of the City, they shall be elected and hold office, and be compensated as provided herein.
- (2) Terms - The Mayor and Councilmembers shall be elected by the qualified voters of the entire City for a term of three (3) years, or until a successor has been duly elected and qualified, but each Councilmember shall be elected to and occupy a place on the City Council, such places being numbered 1, 2, 3, 4, 5, and 6, respectively. The places of the Councilmembers shall be developed on the official ballot as Councilmember Places 1, 2, 3, 4, 5, and 6.
- (3) Term Limits - An individual shall serve no more than two (2) consecutive three (3) year terms as Mayor. An individual shall serve no more than two (2) consecutive three (3) year terms as Councilmember. After an individual vacates an office, if fifty percent (50%) or less remains of the individual's term, the term shall be considered a full term for reasons of calculating term limits.
- (4) Pattern - In May of 2004, the Mayor and Councilmember Places 2, 4, and 6 shall be elected to three (3) year terms. In May of 2005, Councilmember Places 1, 3, and 5 shall be elected to three (3) year terms. In May of 2006, no City Council elections are anticipated except to possibly fill a vacancy. The "four-three-none" (4-3-0) pattern of elections shall continue into the future.

##### SECTION 3.03 Candidacy of the Mayor and Councilmembers

- (1) Qualification - No person shall be a candidate for the office of Mayor or Councilmember unless such candidate is a qualified voter of the City and shall have resided in the City for not less than one (1) year preceding the day of the election and should not be in arrears in the payment of any taxes to the City, unless such arrearage is subject to a lawful protest.
- (2) Declaration - Candidates of the office of Mayor or Councilmember may have their names printed upon the official ballot being nominated for such office by written petition signed by twenty-five (25) qualified voters.

- (3) Filing - A nominating petition stating a declaration of candidacy shall be filed with the City Secretary or a duly appointed designee, who shall affix the date and time stamp on the ballot application, during regular office hours not earlier than the 75th day before the day of the election. The candidate's ballot application must be filed within the times set by state law. The City Hall shall not remain open after normal business hours to accept ballot applications.
- (4) Verification - The City Secretary shall as quickly as possible examine each such petition and check the qualifications of the signers thereto. If a petition is found insufficient, the City Secretary shall, upon discovering such insufficiency, immediately deliver to the person who filed it a statement certifying wherein the petition is found insufficient. Within the regular time for filing petitions a new petition may be filed for the same candidate. The petition of each candidate nominated to be a member of the City Council shall be preserved by the City Secretary until the expiration of the term of office for which such candidate has been nominated. Any person filing a petition at or near the deadline for filing assumes the risk that if such petition be found not valid said candidate will not have time to file a corrected petition.

#### **SECTION 3.04 Election**

- (1) All candidates running for Mayor or Councilmember shall be elected by a majority vote of all votes cast in the regular municipal election for the office which the candidate seeks election.
- (2) In the event that a candidate does not receive a majority of votes, it shall be the duty of the City Council to order a runoff election for every place or Mayor to which no one was elected. Such runoff election shall be held no earlier than thirteen (13) days after the canvassing of the votes, and in accordance with state law.
- (3) Should any person who was a candidate at the regular municipal election and who is entitled to become a candidate at the runoff election die, refuse or otherwise be unable to appear on the runoff election ballot, the candidate for such office standing next highest in the computation of vote for that office shall succeed to the rights of such candidate who failed to appear on the ballot at said runoff election. This method for selecting alternate runoff candidates shall be employed until there are two (2) candidates for each office in each runoff election and should there be only one candidate for office after the conclusion of this process, that candidate shall be declared the winner. However, if at the date of the election, there is no runoff candidate left from those who sought to be elected to that place or Mayor in the regular election, the City Council shall declare no one elected to such place or Mayor; and shall call a Special Election on such date provided by State law<sup>18</sup> to elect a person to such place or Mayor; and said Special Election shall be conducted pursuant to State law<sup>19</sup> prescribing special elections to fill vacancies in municipal offices.

**SECTION 3.05 Judge of Election**

- (1) The City Council shall be the judge of the qualifications of its own members and of the Mayor, subject to review of the courts in case of an election contest. The City Council shall, in accordance with State law<sup>20</sup>, canvass the returns for any election and declare the results of such election.
- (2) In the event of a tie vote between candidates, the respective candidates so tied may agree to cast lots to determine who shall be the duly elected officer. In the event such tied candidates do not agree to determine the results of the election by casting lots, a run-off election shall be called and the respective candidates so tied shall cast lots to determine the order their names shall appear on the ballot for such run-off elections. The candidate receiving the highest number of votes of the entire City cast at said run-off election shall be elected to such office.

**SECTION 3.06 Date and Conduct of Election**

The regular municipal election of the City Council shall be held on a uniform election date, in accordance with this Charter and state law, and the same shall be conducted and the results canvassed and announced in accordance with the laws of the State regulating all municipal elections and in accordance with the ordinances adopted by the City Council for the conduct of elections.

**SECTION 3.07 Qualifying of Officers**

The Mayor, Councilmembers, and other officers appointed under this Charter shall qualify by taking the oath prescribed by the Texas Constitution and by executing such bond as may be required under the provisions of this Charter and the ordinances and resolutions of the City.

**SECTION 3.08 Candidates Holding Special Positions with the City**

- (1) In the event that the Mayor or any Councilmember shall announce their candidacy, or shall in fact become a candidate, for election to any public office other than the office then held, at any time when the unexpired term of the office then held shall exceed one year and 30 days, such announcement or such candidacy shall constitute an automatic resignation of the office then held, and the vacancy thereby created shall be filled by majority vote of the qualified voters at a special election called for such purpose within one hundred and twenty (120) days after such vacancy or vacancies occur.
- (2) In the event any member of any body appointed by the City Council shall become a candidate for the office of Mayor or Councilmember, such position on such board shall be considered vacated upon election and qualification.
- (3) Any City employee who shall become a candidate for the office of Mayor or Councilmember shall immediately forfeit such position of employment and such ballot application shall be accompanied by said employee's written resignation, the acceptance of which shall require no further act.

**SECTION 3.09 City Council Vacancies and Attendance**

- (1) In the event of a vacancy existing in the office of Mayor or any Councilmember from any cause whatsoever, the vacancy or vacancies occurring shall be filled by the qualified voters at an election within one hundred twenty (120) days after such occurs, as prescribed by the State law<sup>21</sup>. If the term of office or offices is or are unexpired, the number of members elected at such election shall serve in such office or offices for the remainder of the unexpired term of such office or offices following the date of the election.
- (2) Any member of the City Council remaining absent for three (3) consecutive regular meetings of the City Council, without first having obtained a leave of absence at a regular meeting, such office shall be declared vacated by a majority vote of all the remaining members of the City Council. Any member of the City Council remaining absent for six (6) consecutive regular meetings of the City Council shall be deemed to have forfeited such office.
- (3) Any person elected to serve on the City Council, who, subsequent to taking office is convicted of a felony or theft shall automatically be deemed to have forfeited such office.
- (4) In case of disaster when a legal quorum of the City Council cannot be assembled due to multiple deaths or injuries, the surviving members of the City Council, or the highest surviving City official if no elected official remains, must, within twenty-four (24) hours of such disaster, or as soon as practicable, take such action as to ensure the basic health, safety and welfare of the citizens and undertake whatever action is necessary under the laws of the State to call for a special election. Until such election is held and the City Council qualified, the remaining members or highest ranking officer if no elected official remains, shall only undertake those actions necessary to protect the basic health, safety and welfare of the citizens which such action may be subsequently ratified by the full City Council.

**SECTION 3.10 Mayor Pro-Tem and Deputy Mayor Pro-Tem**

- (1) No later than July of each calendar year, the City Council shall annually select from among the Councilmembers a Mayor Pro-Tem and Deputy Mayor Pro-Tem to serve at the pleasure of the City Council.
- (2) The Mayor Pro-Tem shall act as Mayor during the disability or absence of the Mayor, and in this capacity shall have the rights conferred upon the Mayor.
- (3) The Deputy Mayor Pro-Tem shall act as Mayor during the disability or absence of the Mayor and Mayor Pro-Tem, and in this capacity shall have the rights conferred upon the Mayor.
- (4) During the disability or absence of the Mayor, the Mayor Pro-Tem, and the Deputy Mayor Pro Tem, any Councilmember may be appointed by the remaining four (4) Councilmembers to act as Mayor and in this capacity shall have the rights conferred upon the Mayor.

**SECTION 3.11 Compensation for the Mayor and Councilmembers**

- (1) The Mayor shall receive as compensation the sum of one hundred fifty dollars (\$150.00) per month for attendance at all regular meetings, unless otherwise excused. The compensation in no event shall exceed the sum of one thousand eight hundred dollars (\$1,800) per annum for the Mayor.
- (2) Each Councilmember shall receive as compensation the sum of one hundred dollars (\$100.00) per month for attendance at all regular meetings, unless otherwise excused. The compensation in no event shall exceed the sum of one thousand two hundred dollars (\$1,200) per annum for Councilmembers.
- (3) In addition, the City Council shall establish by ordinance or resolution the standards and policies concerning reimbursement of reasonable expenses incurred by the Mayor and Councilmembers in their official capacity.

**SECTION 3.12 Duties of Mayor**

- (1) The Mayor shall preside at all meetings of the City Council and shall have full voting rights.
- (2) The Mayor shall perform such other duties consistent with the office as may be imposed by this Charter or the ordinances and resolutions of the City.
- (3) The Mayor may participate in the discussion of all matters coming before the City Council.
- (4) The Mayor shall sign all ordinances, resolutions, capital improvement contracts, conveyances made or entered into by the City, all bonds issued under the provisions of this Charter, and such other documents as authorized by the City Council.
- (5) The Mayor shall be recognized as the official head of the City for all ceremonial purposes.
- (6) The Mayor shall be recognized by the governor for the purpose of enforcing martial law. In time of danger or emergency, the Mayor may, in accordance with State law<sup>22</sup> and with the consent of the Councilmembers, take command of the police and govern the City by proclamation and maintain order and enforce all laws.
- (7) The Mayor shall annually deliver and provide an annual state of the City report.

**SECTION 3.13 Duties of City Council**

- (1) All powers of the City and the determination of all matters of policy shall be vested in the City Council, which shall have all powers necessary and incident to the proper discharge of the duties imposed upon it and is hereby invested with all powers necessary to carry out the terms of this Charter; it being intended that the City Council shall have and exercise all powers enumerated in this Charter or implied thereby and all powers that are or hereafter may be granted to municipalities by the Texas Constitution and laws of the State.

- (2) The compensation of all appointive officers and employees shall be fixed by the City Council, who may increase or diminish such compensation at will.
- (3) The City Council shall review, revise and adopt the budget for the City.
- (4) The City Council may collectively or individually inquire into the conduct of any office, department or agency of the City; and, the City Council may, collectively, make investigations into any municipal office, department or agency.
- (5) The City Council shall have the power to exercise and adopt all resolutions and ordinances and to implement the authority of the City in this Charter.
- (6) The City Council shall adopt a periodic fiscal reporting policy.

#### **SECTION 3.14 Meetings of City Council**

- (1) The City Council shall hold at least one (1) regular meeting each month and as many additional meetings as the City Council deems necessary to transact the business of the City. The City Council shall fix by ordinance the regular meeting schedule.
- (2) Special meetings of the City Council shall be held at the call of the Mayor or a majority of the Councilmembers upon provision of public notice in accordance with State law<sup>23</sup>.
- (3) All meetings of the City Council, except those authorized by law to be closed to the public, shall be open to the public.

#### **SECTION 3.15 City Council Rules of Procedure and Attendance of Meetings**

The City Council shall by resolution determine its own rules of procedure and procedures for compelling the attendance of its members.

#### **SECTION 3.16 Quorum of City Council and Minutes of City Council Meetings**

- (1) A majority of the City Council shall constitute a quorum to do business, and, unless otherwise provided by law, the affirmative vote of at least a majority of those attending any meeting shall be necessary to adopt any ordinance or resolution.
- (2) Minutes of all proceedings shall be kept, to which any citizen may have access at all reasonable times and which shall constitute one of the archives of the City. The vote on all ordinances and resolutions shall be recorded and entered upon the minutes; and, every ordinance or resolution, upon its final passage, shall be recorded in a book kept for that purpose and shall be authenticated by the signature of the presiding officer. The minutes of all meetings shall record the attendance of all members of the City Council present and those absent.
- (3) All recordings and broadcasts of City Council meetings shall be unedited except where required by law.

**SECTION 3.17 Ordinances and Resolutions**

- (1) Enactment - Each proposed ordinance and resolution shall be introduced in written or printed form. Ordinances or resolutions may be passed at any regular or special meeting called in accordance with State law<sup>24</sup>.
- (2) Captions - Each ordinance and resolution shall contain a brief caption of the subject matter of the ordinance or resolution.
- (3) Publication - A descriptive title or caption stating in summary the purpose of the ordinance and the penalty for violation thereof, of each ordinance imposing a penalty, fine or forfeiture, shall after passage be published in one issue of the official newspaper of the City and proof of such publication shall be made by the printer or publisher of such paper making affidavit before some officer authorized to administer oaths. Such affidavit shall be filed with the City Secretary and shall be prima facie evidence of such publication and promulgation of such ordinance so published; said ordinances shall take effect and be in full force and effect from and after the date of publication, unless otherwise expressly provided. Ordinances not required to be published shall take effect and be in force from and after the date of passage thereof unless otherwise provided.
- (4) Savings - All ordinances and resolutions of the City now in existence and not inconsistent with provisions of this Charter shall remain in full force and effect until altered, amended or repealed by the City Council.
- (5) Pleading - It shall be sufficient in all judicial proceedings to plead any ordinances of the City by caption without embodying the entire ordinance in the pleadings, and all pleaded ordinance(s) or codes shall be admitted as evidence in any suit and shall have the same force and effect as the original ordinances. Certified copies of the ordinances may also be used in evidence in lieu of original ordinances.
- (6) Codification - The Code of Ordinances of the City, adopted June 15, 1982, which became effective July 1, 1982, shall be revised at least annually and kept up-to-date by causing any amendments to be published in the form of supplemental pages. An official copy of the Code shall be maintained in the office of the City Secretary for public examination.

**SECTION 3.18 Official Newspaper**

The City Council shall designate by resolution a newspaper of general circulation in the City as the official newspaper of the City as provided by State law<sup>25</sup>.

**SECTION 3.19 Influence of Appointments**

Neither the City Council nor any of its members shall direct the appointment of any person to office by the City Manager or by such City Manager's subordinates. Except for the purpose of inquiry, the City Council and its members shall deal with the administrative services solely through the City Manager and neither the City Council nor any member thereof shall, publicly or privately, give orders to any subordinate of the City Manager.

**SECTION 3.20 Public Comment**

The opportunity for citizens of the City to provide public comment on any and all subjects regardless of the agenda shall be provided at each regular meeting. This opportunity shall be called "Citizens' Input" and shall begin prior to any vote at a regular meeting of the City Council. The City Council may provide reasonable regulations to implement this provision.

**SECTION 3.21 Code of Ethics**

The City Council by ordinance shall establish a Code of Ethics governing the City Council and all city employees which shall include at least the following: wrongful influence, wrongful interference, employees' political activities, penalties, conflict of interest, and acceptance of gifts.

**SECTION 3.22 Conflicts of Interest**

The use of public office for private gain is prohibited. The city council shall implement this prohibition by ordinance, the terms of which shall include but not be limited to strictly prohibiting the Mayor or a Councilmember from: acting in an official capacity on matters in which the official has a special financial interest of any kind that is clearly separate from that of the general public; the acceptance of gifts or items of an annual aggregate value greater than \$250 from a single source; the use of confidential information for unofficial purposes; and appearance before other political subdivisions on behalf of private interests as a City official. Neither the Mayor nor any Councilmember may vote on, debate or discuss matters involving a business entity by whom they are employed or in which they have a substantial financial interest. This ordinance shall include a statement of purpose and shall provide for reasonable public disclosure of related finances by officials with major decision making authority over monetary expenditures and contractual and regulatory matters in compliance with state law. The ordinance shall also provide for fines or other appropriate administrative action for violations.

**ARTICLE IV****City Manager****SECTION 4.01 Appointment**

The City Council by four (4) affirmative votes shall appoint a City Manager who shall be the administrative and chief executive officer of the City and shall be responsible to the City Council for the administration of the offices of the City, except as otherwise provided by this Charter. The City Manager shall be chosen by the City Council solely on the basis of executive and administrative training, experience and ability. The City Manager need not, when appointed, be a resident of the City, but the City Manager shall be a resident of the City within six (6) months of assuming the appointment to City Manager.

**SECTION 4.02 Compensation**

The City Manager shall receive a salary, benefits and compensation as set by the City Council.

**SECTION 4.03 Duties**

The duties of the City Manager shall include the following:

- (1) Provide that all laws and ordinances of the City are enforced.
- (2) Appoint all appointive officers, or employees of the City (such appointments to be made upon merit and fitness alone), except as provided in this Charter.
- (3) Suspend and remove, at will, any officers or employees except as provided in this Charter.
- (4) Provide for the efficient administration and operation of all departments, under the City Manager's control, including the maintenance of and public information request for all records thereof except as provided in this Charter.
- (5) Prepare and recommend to the City Council the annual budget and capital program, as provided by this Charter, and administer and execute the budget as adopted by the City Council.
- (6) Provide supervision and control over all departments and offices that are created by the City Council and employees appointed by the City Manager, except as provided in this Charter.
- (7) Attend all meetings of the City Council with the right to take part in the discussion.
- (8) Execute all contracts as authorized by resolution or ordinances adopted by City Council.
- (9) Make such recommendations in writing to the City Council of the measures, as the City Manager may deem necessary and expedient.
- (10) Provide written reports no less than quarterly of the current financial conditions and future needs of the City to be presented orally at an open meeting of the City Council, and make such recommendations concerning the affairs of the City, as the City Manager or the City Council deems desirable or necessary.
- (11) Perform such other duties as may be prescribed by the Charter or which may be required by ordinance or resolution of the City Council.

**SECTION 4.04 Removal**

The City Manager may be removed, with or without cause, by four (4) affirmative votes of the City Council.

## ARTICLE V

### City Officers

#### SECTION 5.01 City Secretary

- (1) Appointment - The City Council shall appoint the City Secretary, upon by four (4) affirmative votes of the City Council. The City Council shall consider the City Manager's recommendations regarding the appointment of the City Secretary.
- (2) Duties - The City Secretary shall:
  - (A) Give notice of all official public meetings of the City Council as consistent with this Charter and State law<sup>26</sup>;
  - (B) Attend all public meetings and hearings of the City Council;
  - (C) Keep the minutes of the proceedings of all public meetings and hearings of the City Council as prescribed by the City Council consistent with applicable law;
  - (D) Act as custodian of all official records of the City Council;
  - (E) Hold and maintain the seal of the City and affix this seal to all appropriate documents;
  - (F) Authenticate and record all ordinances, resolutions and proclamations of the City by signature and seal;
  - (G) Perform and such other duties as may be required by the City Council consistent with this Charter and the laws of the State;
  - (H) Shall conduct all municipal elections;
  - (I) Act as agent for the purposes of serving civil process;
  - (J) Assist the City Manager with the maintenance and public information request of all records as directed by the City Council;
  - (K) Prepare and recommend to the City Council the annual budget for the office and staff of the City Secretary; and
  - (L) Hire, provide supervision and control over all employees of the office of the City Secretary.
- (3) Compensation - The City Council shall fix the compensation, salary and benefits of the City Secretary in accordance with the City Secretary's experience, qualifications and performance.
- (4) Removal - The City Secretary may be removed, with or without cause, by four (4) affirmative votes of the City Council.

#### SECTION 5.02 City Treasurer

The City Council may appoint a City Treasurer. The City Council by ordinance shall define the responsibilities, compensation, and authority of City Treasurer.

#### SECTION 5.03 City Auditor

The City Council may appoint a City Auditor. The City Council by ordinance shall define the responsibilities, compensation, and authority of the City Auditor.

**SECTION 5.04      Municipal Judge**

- (1) Appointment - The City Council shall appoint by four (4) affirmative votes of the City Council such Municipal Judges of the Municipal Court as may be necessary, all of whom shall be competent, duly qualified attorneys licensed and practicing for at least two (2) years in the State. The Municipal Judge(s) shall be appointed for a term of two (2) years and may be appointed to additional consecutive terms. The Municipal court shall be presided over by a judge to be known as the "Chief Judge of the Municipal Court" who shall be a licensed attorney in the State and such alternate and temporary judges that may be appointed by ordinance of the City Council, and their salary may be fixed by ordinance or resolution.
- (2) Duties - The Municipal Judge shall be the Chief Judge of said Municipal Court shall have power to punish for contempt to the same extent and under the same circumstances as the Justice of the Peace may punish for contempt of criminal cases.
- (3) Compensation - The Municipal Judge(s) shall receive compensation as may be determined by the City Council.
- (4) Removal - The Removal or termination of any Municipal Judge shall be done in accordance with State law<sup>27</sup>.

**SECTION 5.05      City Attorney**

- (1) Appointment - The City Council shall appoint by four (4) affirmative votes of the City Council a competent, duly qualified licensed and practicing attorney in the State who shall serve as the City Attorney.
- (2) Duties - The City Attorney shall:
  - (A) Serve as the legal advisor to the City Council;
  - (B) Represent the City in litigation and legal proceedings as directed by the City Council;
  - (C) Review and provide opinions as requested by the City Council on contracts, legal instruments, and ordinances of the City and other City business; and
  - (D) Serve as the legal advisor to the officers and their departments, as directed by the City Council.
- (3) Special Counsel - The City Council shall have the right to retain special counsel at any time that it may deem necessary and appropriate to collect delinquent and ad valorem taxes and liens or for such purposes the City Council deems appropriate.
- (4) Compensation - The City Attorney and Special Counsel shall receive compensation as may be determined by the City Council.
- (5) Additional Counsel - The City Attorney, with the approval of the City Council, may select additional attorneys to act for said City Attorney and the City in its representation and/or litigation.
- (6) Removal - The City Attorney may be removed, without cause, by four (4) affirmative votes of the City Council.

**SECTION 5.06 Official Bond of City Employees**

The directors of all administrative departments whose duties include the handling of monies, and all employees whose duties include the handling of monies, belonging to the City, shall before entering upon the duties of their office or employment, make bond in some responsible surety company, acceptable to the City Council for such amount as the City Council may prescribe, the premium of such bond shall be paid by the City; the City Council may also require any such surety bond to be further conditioned that the principal thereon will faithfully perform and/or discharge the duties of said person's office and if there are provisions of State law<sup>28</sup> bearing upon the functions of said person's office under which the execution of a surety bond is required, it shall be further conditioned to comply therewith.

**SECTION 5.07 City Prosecutor**

- (1) Appointment -- The City Council shall appoint by four (4) affirmative votes of the City Council a competent, duly qualified attorney licensed and practicing in the State who shall serve as the City Attorney for Municipal Court Prosecution also to be known as the City Prosecutor.
- (2) Duties -- The City Prosecutor shall:
  - (A) Represent the City and the State of Texas in proceedings and litigation in the Rowlett Municipal Court; and
  - (B) Provide training and legal updates to the Rowlett Police Department regarding duties related to the prosecution of municipal court cases; and
  - (C) All other duties required by law including the duty to see that justice is done.
- (3) Compensation -- The City Prosecutor shall receive compensation as may be determined by the City Council.
- (4) Additional Prosecutors -- The City Prosecutor may select additional attorneys to serve in his or her absence in an intermittent basis at his or her direction.
- (5) Removal -- The City Prosecutor may be removed, without cause, by four (4) affirmative votes of the City Council.

**ARTICLE VI****Financial****SECTION 6.01 Audit and Examination of City Books and Accounts**

At the close of each fiscal year, and at such other times as may be necessary, the City Council shall call for an independent audit of all accounts of the City by a certified public accountant. The same firm or certified public accountant shall complete no more

than five (5) consecutive annual audits. The certified public accountant selected shall have no personal interest, directly or indirectly, in the financial affairs of the City or any of its officers. The written report of audit will be presented to and discussed by the City Council at a regular meeting. The auditor's recommendations will be read into the record of the meeting. Copies of the audit shall be placed on file as a public record with the City Secretary.

#### **SECTION 6.02 Budget**

The fiscal year of the City shall begin on the first day of October and end on the last day of September of each calendar year. Each year and in sufficient time to provide for all necessary hearings, the City Manager shall prepare and submit to the City Council a budget to cover all proposed expenditures of the City for the succeeding fiscal year. Such budgets shall be prepared and administered pursuant to the applicable general laws of this state. In the event that the budget is not enacted prior to October 1<sup>st</sup>, the preceding fiscal year budget shall be deemed adopted, which may be amended or supplemented, as the City Council deems appropriate.

#### **SECTION 6.03 Inventory of Property and Liens**

- (1) The definitions of property and terms as defined by the general laws of the State under the head of taxation shall apply to the taxation of property in this City.
- (2) The tax levied by the City shall be a lien, charge or encumbrance upon the property upon which the tax is due, which lien, charge or encumbrance the City is entitled to enforce and foreclose in any court having jurisdiction over the same, and the lien, charge and encumbrance on the property in favor of the City. All taxes upon real estate shall be a lien and a charge upon the property upon which the taxes are due, which lien may be foreclosed in any court having jurisdiction.

#### **SECTION 6.04 Taxes and Taxation**

- (1) Powers -

- (A) The City Council shall have the power to levy, for general purposes, an ad valorem tax on real, personal, and mixed property within the territory of the City, not exempt from taxation by the Texas Constitution and laws of the State, not to exceed a total of one dollar and twenty-five cents (\$1.25) per one hundred dollars (\$100.00) assessed valuation of said property in accordance with State law<sup>29</sup>, based upon its true value as provided by law to the extent of the constitutional limit permitted by the State to cities. In no event shall the City ever have the power to levy an ad valorem on non-business personal property.
- (B) The City Council may levy taxes on all property, privileges and franchises of every kind and description within the City limits or having its situs therein on January first of each year, and from any other local source. The place, time, and manner of payment thereof, with penalties, shall be

established by the City Council, as it deems best, not in violation of the laws of this State.

- (C) The City Council shall determine and provide when taxes shall be due and payable. It shall have the right to fix the time and terms of payments of taxes, prescribe penalties for the non-payment thereof upon the expiration of the time fixed by the said City Council.
- (D) The City will, by ordinance, adopt homestead and other exemption(s) as it deems appropriate in accordance with State law<sup>30</sup>.
- (2) Collection – The City Council shall have full power, by ordinance to provide for the prompt collection of all taxes levied, assessed and due or becoming due to the City.
- (3) Payment – All ad valorem taxes due or to become due upon real, business personal or mixed property or upon franchises granted by the City to individuals or corporations and all license taxes, occupation taxes, permit fees, fines, forfeitures, penalties and other amounts of taxes accruing to the City shall be collectable and payable only in current money of the United States.
- (4) Delinquency –
  - (A) All ad valorem taxes due or to become due to the City that are not paid within the time specified by law shall be delinquent and shall be subject to penalties and charges prescribed by law<sup>31</sup>.
  - (B) All suits for delinquent taxes to the City shall be brought in accordance with general laws of the State relative to the collection of delinquent state and county ad valorem taxes.
- (5) Appraisal – Appraisal of property for ad valorem purposes shall be conducted in accordance with the provisions of the State law<sup>32</sup>, as the same is from time to time amended.

#### **SECTION 6.05 Designation of Depository for City Funds**

The City Council shall select a depository for City funds in accordance with State law<sup>33</sup>, and to follow all the terms and provisions State law<sup>34</sup>.

### **ARTICLE VII**

#### **Bonds, Warrants and Other Evidence of Indebtedness**

##### **SECTION 7.01 Authority to Issue**

The City shall have the right and power to borrow money for public purposes by whatever method it may deem to be in the public interest. The City shall have the right and power to issue tax bonds, revenue bonds, and any other evidences of indebtedness for permanent public improvements or for any other public purpose not prohibited by law or this Charter and to issue refunding bonds to refund outstanding evidences of indebtedness previously issued. All such bonds or other evidences of indebtedness shall be issued in conformity with the laws of the State applicable at the time of issuance of

such obligations. Notwithstanding, an affirmative vote of at least 80% of Councilmembers in attendance at a regular meeting shall be required to authorize issuance of all bonds and other evidence of indebtedness, with the exception of refunding bonds.

#### **SECTION 7.02 Manner of Issuance**

Bonds and warrants of the City shall be issued as provided by the General Laws of Texas applicable to cities and towns.

### **ARTICLE VIII**

#### **Recall**

#### **SECTION 8.01 Procedure**

The Mayor or any Councilmember may be removed from office in the following manner:

- (1) Any qualified voter of the City may make and file with the City Secretary a written verified statement containing the name of any member of the City Council whose removal is sought, which statement shall state the specific grounds of incompetency, misconduct or malfeasance in office upon which removal is predicated. The City Secretary shall deliver a copy of the statement to the officer so charged and also to the other members of the City Council. The City Secretary shall deliver to the person making such charges petition blanks for demanding such removal. Such blanks shall be issued by the City Secretary with the City Secretary's signature thereto attached, shall be dated and addressed to the City Council, and shall state the grounds, as is required in the initial written statement, so as to give the officer sought to be removed and those signing the petition notice of the matters and things with which such officer is charged. A copy of the petition shall be recorded in a record book for that purpose to be kept in the office of the City Secretary.
- (2) To be effective, a recall petition must be returned and filed with the City Secretary within thirty (30) days after its issuance. Such petition must bear the signatures of qualified voters of the City equal in number to at least twenty percent (20%) of the average number of voters casting votes for such office at the last two general elections or the signatures of five hundred (500) qualified voters of the City, whichever is the greatest. Each page of a recall petition shall have attached an affidavit of the circulator thereof, stating that each signature thereto was made in the circulator's presence and is the genuine signature of the person whose name it purports to be. Each signature must be in the signer's own handwriting, and the petition shall contain the printed name of each signer and the signer's residence address, the date of signing, and the signer's voter registration number and county of registration or date of birth. Recall petition papers provided by the City

Secretary shall be in form that substantially complies with the form in Appendix "A".

- (3) All papers and affidavits comprising a recall petition shall be assembled and filed with the City Secretary as one instrument, with a statement attached thereto giving the name and address of at least one qualified voter, who, as the petitioner, shall be officially regarded as filing the petition. Any evidence in support of the recall petition should be provided to the City Secretary along with the petition. Not later than the fifth regular business day after the date of its receipt, the City Secretary shall notify the petitioner as to the sufficiency of the petition and shall attach thereto a certificate showing the result of the examination.<sup>1</sup> If the City Secretary shall certify the petition as insufficient, the City Secretary shall set forth in the certificate the particulars in which it is defective and shall at once notify the petitioner of such finding.<sup>35</sup>
- (4) A recall petition may not be supplemented, modified, or amended on or after the date it is received by the City Secretary; provided, however, that the petitioner may file one supplementary petition (within 30 days of the issuance of the petition blanks by the City Secretary) if the original petition contains a number of signatures that exceeds the required minimum number by 10 percent or more and is received by the City Secretary not later than the 10th day before the date of the deadline.<sup>36</sup>
- (5) If a recall petition shall be certified by the City Secretary to be sufficient, the City Secretary shall at once submit it to the City Council with a certificate to that effect and shall notify the member whose removal is sought of such action. The City Council shall hold a public hearing to be held not less than five (5) nor more than fifteen (15) days after receiving the recall petition. City Council shall (without the vote of the officer or officers whose removal is sought), upon presentation of credible evidence of grounds stated in petition, thereupon order and fix the date for holding a recall election which shall be held at the next date authorized for City elections by State law.<sup>3</sup> In the event of a multiple member recall and the resulting failure to establish a quorum, the petition will automatically result in an election.<sup>37</sup>
- (6) The question of recalling any number of members of the City Council may be submitted at the same election, but as to each member whose removal is sought a separate written statement and a separate petition shall be filed and there shall be an entirely separate ballot. Candidates to succeed any members of the City Council whose removal is sought shall be placed in nomination in compliance with this Charter.
- (7) The ballot to be used in a recall election shall submit the proposition in substantial compliance with the form in Appendix "B". Except as provided in this section,

ballots used in recall elections shall comply with the provisions of this Charter regarding ballots for regular municipal elections.

- (8) If a majority of votes be for recall of the officer, such officer shall be deemed removed from office. The candidate to succeed such officer who receives the highest vote shall be declared elected to fill the unexpired term. If an officer sought to be recalled shall resign, the vacancy shall be filled as prescribed by law and this Charter.
- (9) No recall shall be filed against the Mayor or a Councilmember within three (3) months after such Mayor or Councilmember takes office. In the case of an insufficient petition, a Council determination of insufficient grounds for recall, or an unsuccessful recall election, no recall petition shall be filed against said officer until at least six (6) months has expired from the date on which the petition was certified insufficient, the date of the Council's determination, or the date of the canvassing of the votes of the recall election.

## ARTICLE IX

### Legislation by Initiative and Referendum

#### SECTION 9.01 Initiative

- (1) Qualified voters of the City may initiate any ordinance (except one appropriating money, levying a tax or issuing bonds) by submitting a petition to the City Council which, after approval as to legal form by the City Attorney, requests that the ordinance be passed by the City Council, or, if not passed, it be submitted to a vote of the qualified voters of the City. Said petition must be signed by qualified voters of the City equal in number to twenty percent (20%) of the number of votes cast at the last regular municipal election, or 250, whichever is greater, and each copy of the petition shall have attached to it a copy of the proposed ordinance.
  - (A) The petition must state the residence of each signer and bear the oath of one of the signers that each signature thereon is the genuine signature of each person whose name it purports to be subscribed thereon.
  - (B) The petition shall be filed with the City Secretary and within twenty (20) days after such filing the City Secretary shall check the signatures on the petition against the county voter registration lists and attach thereto the City Secretary certificate showing the results of such examination.
- (2) Any person who has filed an insufficient petition shall be notified immediately upon discovery of such insufficiency and may present additional signatures within ten (10) days after such notice or may file a new petition at any time.
- (3) Within twenty (20) days after the City Secretary finds such a petition to be sufficient, the City Council shall either pass the ordinance as submitted or order an election to submit the proposed ordinance to a vote of the qualified voters of

the City who shall vote on the question: "For the Ordinance" or "Against the Ordinance." If a majority of the qualified voters at such election vote for the ordinance, it shall thereupon be an ordinance of the City.

**SECTION 9.02 Referendum**

- (1) The qualified voters of the City shall have the power to approve or reject at the polls any ordinance passed by the City Council (except ordinances appropriating money, levying a tax or authorizing the issuance of bonds or other evidences of indebtedness authorized by the laws of the State of Texas or this charter) by submitting a petition to the City Council which, after approval as to legal form by the City Attorney, requests that the ordinance be repealed, or, if not repealed, that it be submitted to a vote of the qualified voters of the City.
- (2) The petition shall be signed by qualified voters of the City equal in number to at least twenty percent (20%) of the number of votes cast at the last regular municipal election or 250, whichever is greater and each copy of the petition shall have attached to it a copy of the ordinance.
- (3) The petition shall be filed with the City Secretary and shall be signed and checked for sufficiency in the same manner as initiative petitions are herein required to be signed, verified and checked.

**SECTION 9.03 City Council to Repeal or Submit Referendum Ordinance to Election**

- (1) When a referendum petition has been certified as sufficient, the ordinance specified in the petition shall not go into effect or further action thereunder shall be suspended if it shall have gone into effect, unless approved by the electors. When filed, the City Council shall immediately reconsider such ordinance and if the City Council does not entirely repeal the same, it shall order an election to submit the ordinance to a vote of the qualified voters, who shall vote on the question: "For the Ordinance" or "Against the Ordinance".
- (2) If a majority of the qualified voters at such election do not vote for the ordinance, the same shall be deemed repealed and it shall be without further force and effect.

**SECTION 9.04 Publication of Ordinances**

Prior to the date early voting shall begin in any election on an initiative or referendum, the City Secretary shall cause the particular ordinance to be published verbatim in at least one issue of the official newspaper of the City or a printed copy thereof mailed to each qualified voter of the City as appears on the tax roll of the City for the year ending the 31st day of January next preceding and the City Secretary shall do such other things relative to such election as are required in general municipal elections or by the order calling said election.

## ARTICLE X

### Franchises

#### SECTION 10.01 Ordinance Granting Franchise

No grant to use the public right-of-way or property under ownership of the city shall be granted for a term of more than twenty (20) years from the date of the grant, renewal or extension of such franchise unless approved by citizens in accordance with this article. The City Council may, by four (4) affirmative votes, seek approval from the voters by submitting all applications exceeding twenty (20) years to an election in accordance with State law<sup>38</sup>. The prospective franchisee, not the City, shall fund the cost of said election.

#### SECTION 10.02 Right of Regulation

In granting, amending, renewing and extending public service and utility franchises, the City reserves unto itself all the usual and customary rights, including, but not limited to, the following rights:

- (1) To repeal the franchise by ordinance for failure to begin construction or operation within the time prescribed, or for failure to comply with terms of the franchise;
- (2) To require all extensions of service within the City limits to become part of the aggregate property of the service and operate subject to all obligations and reserved rights contained in this Charter. Any such extension is considered part of the original grant and terminable at the same time and under the same conditions as the original grant;
- (3) To require expansion and extension of facilities and services and to require maintenance of existing facilities to provide adequate service at the highest level of efficiency;
- (4) To require reasonable standards of service and quality of product and prevent rate discrimination;
- (5) To impose reasonable regulations and restrictions to insure the safety and welfare of the public;
- (6) To examine and audit accounts and records and to require annual reports on local operations of the public service or utility;
- (7) To require the franchisee to restore, at franchisee's expense, all public or private property to a condition as good as or better than before disturbed by the franchisee for construction, repair or removal;
- (8) To require the franchisee to furnish to the City, from time to time within a reasonable time following request of the City, at franchisee's expense a general map outlining current location, character, size, length, depth, height and terminal of all facilities over and under property within the City and its extraterritorial jurisdiction; and

- (9) To require compensation, rent or franchise fees to be paid to the City as may be permitted by the laws of the State.

### **SECTION 10.03 Regulation of Rates**

- (1) The City Council has the power to fix and regulate the rates and charges of all utilities and public services, consistent with State law<sup>39</sup>.
- (2) Upon receiving written request from a utility or public service requesting a change in rates, or upon a recommendation from the City that rates for services provided by or owned by the City be changed, the City Council shall call a public hearing for consideration of the change.
- (3) The City, public service or utility must show the necessity for the change by any evidence required by the City Council, including but not limited to, the following:
- (A) Cost of its investment for service to the City;
  - (B) Amount and character of expenses and revenues connected with rendering the service;
  - (C) Copies of any reports or returns filed with any state or federal regulatory agency within the last three (3) years; or
  - (D) Demonstration that the return on investment, if any, is within the state and federal limitations.
- (4) If not satisfied with the sufficiency of evidence, the City Council may hire rate consultants, auditors and attorneys to investigate and, if necessary, litigate requests for rate changes, the expense of which shall be reimbursed to the City by the franchisee.

### **SECTION 10.04 Transfer of Franchise**

No public service or utility franchise is transferable, except with the approval of the City Council. However, the franchisee may pledge franchise assets as security for a valid debt or mortgage.

### **SECTION 10.05 Franchise Value Not to be Allowed**

Franchises granted by the City are of no value in fixing rates and charges for public services or utilities within the City and in determining just compensation to be paid by the City for property which the City may acquire by condemnation or otherwise.

## **ARTICLE XI**

### **Legal Provisions**

#### **SECTION 11.01 Notice of Claim**

The City shall not be held liable on account of any claim for the death of any person or injuries to any person or damage to any property unless the person making such complaint or claiming such damages shall, within ninety (90) days after the time at

which it is claimed such damages were inflicted upon such person or property, file with the City a written statement, under oath, stating the nature and character of such damages or injuries, the extent of the same, the place where same happened, the circumstances under which the same happened and the condition causing same, with a detailed statement of each item of damages and the amount thereof, giving a list of any witnesses known by affiant to have seen the accident.

**SECTION 11.02 Service of Process Against the City**

All legal process against the City shall be served upon the City Secretary.

**SECTION 11.03 Nepotism**

No person within the second degree by affinity or within the third degree by consanguinity to the Mayor or any Councilmember or the City Manager shall be employed by or contracted with the City. This shall not apply to the following:

- (1) Any person employed by the City prior to the person related in the above degree filing to run for elective office or being nominated for an appointment; or
- (2) Any person who is a seasonal employee or intern of the City.

**SECTION 11.04 Construction of Terms**

The construction of the provisions of this Charter shall comply with the State law<sup>40</sup> as amended.

**SECTION 11.05 Charter Deemed Public Act**

This Charter must be deemed a public act and judicial notice shall be taken thereof in all courts.

**SECTION 11.06 Severability of Portions of Charter**

If any provision of this Charter violates the Constitution of the United States, the Texas Constitution or any statutes of the State, or if any court holds such provisions for naught for any reason, the remaining provisions shall not be affected thereby and shall continue in effect.

**ARTICLE XII**

**Adoption Of Charter**

**SECTION 12.01 Procedure**

- (1) This Charter shall be submitted to the qualified voters of the City for adoption or rejection on January 19, 1980, at which election, if a majority of the qualified voters voting in such election shall vote in favor of the adoption of this Charter, it shall then immediately become the governing law of the City until amended or repealed.

- (2) It being impractical to submit this Charter by sections, it is hereby prescribed that the form of ballot to be used in such election shall be as follows, to-wit:

FOR THE ADOPTION OF THE CHARTER  
AGAINST THE ADOPTION OF THE CHARTER

- (3) The present City Council of the City shall call an election in accordance with the provisions of the general laws of the state governing such elections, and the same shall be conducted and the returns made and results declared as provided by the laws of the State governing municipal elections, and in case a majority of the votes cast at such election shall be in favor of the adoption of such Charter, then an official order shall be entered upon the records of said City by the City Council of Rowlett declaring the same adopted, and the City Secretary shall record at length upon the records of the City, in a separate book to be kept in the City Secretary office for such purpose, such Charter as adopted, and such City Secretary shall furnish to the Mayor a copy of the Charter which copy of the Charter shall be forwarded by the Mayor as soon as practicable, to the Secretary of State under the seal of the City together with a certificate showing the approval of the qualified voters of such Charter.

#### **SECTION 12.02      Amendment of Charter**

Amendments to this Charter may be framed and submitted to the qualified voters of the City as provided by the Texas Constitution and the laws of the State as presently enacted or hereafter amended; but no more often than once every two (2) years, as provided by the laws of the State.

#### **SECTION 12.03      Charter Review Commission**

- (1) Appointment - The City Council shall appoint a Charter Review Commission at least once every five (5) years. The Charter Review Commission shall consist of seven (7) citizens of the City.
- (2) Scope - The City Council shall determine the scope of the review by the Commission. The Commission shall determine whether the Charter requires revision or amendment. The Commission may request factual information concerning the operation of the City and such information may be provided in writing or orally. The Commission may hold public hearings regarding the Charter. The Commission shall make recommendations for changes to the Charter without any consideration of the impact upon staff or cost to the City. The Commission shall report its findings and present its recommendations regarding the Charter to the City Council at a regular or special meeting.
- (3) Term - The term of office of the Commission shall be for not more than six (6) months, at the end of which time a report shall be presented to the City Council

and all records of proceedings of the Commission shall be filed with the City Secretary and become a public record.

#### **SECTION 12.04      Administrative Amendment**

The City Council may provide by ordinance, after conducting two public hearings, to amend, alter or reformat any provisions and to amend statutory or State law references and/or endnotes of this Charter, but may not in any circumstance substantively change any portion of the same without compliance with State law and this Article. However, the City Council may amend by ordinance, after public hearing, any provision of this Charter to comply with an amendment to state law that renders a charter provision invalid, provided that the Charter amendment shall track as near as possible the language of the amendment to state law.

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Appendix "A" RECALL PETITION

We, the undersigned qualified voters of the City of Rowlett, Texas, hereby demand that the question of removing \_\_\_\_\_ from the City Council be submitted to a vote of the qualified voters of the City of Rowlett based upon the following grounds:

---

PRINTED NAME	VOTER REGISTRATION NUMBER*	ADDRESS	COUNTY	DATE OF BIRTH*	SIGNATURE

---

\* Either the Voter Registration Number or the Date of Birth must be included.

STATE OF TEXAS  
COUNTY OF \_\_\_\_\_

BEFORE ME, the undersigned authority, personally appeared \_\_\_\_\_ who, after being duly sworn, deposes and says that he/she is the circulator of the foregoing petition paper and that the signatures appended thereto were made in his/her presence and are genuine signatures of the persons whose names they purport to be.

SUBSCRIBED AND SWORN TO BEFORE ME, this the \_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Notary Public in and for  
\_\_\_\_\_ County, Texas

Appendix "B" BALLOT

PROPOSITION

(Place an "X" in the square beside the statement indicating the way you wish to vote.)

FOR RECALL                      Shall \_\_\_\_\_ be removed  
by recall from his/her office as (Mayor or  
Councilmember) of the City of Rowlett, Texas?

AGAINST RECALL

CANDIDATES  
(Vote for One)

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**Appendix "C" ORIGINAL CHARTER SIGNATURES**

(The page will have the original signatures from the First Home Rule Charter Commission)

Appendix "D" PAST COMMISSION AND COMMITTEES

FIRST HOME RULE CHARTER COMMISSION FOR  
THE CITY OF ROWLETT, TEXAS

December 6, 1979

John Wells,  
Chairman of the Charter Commission  
Harold Chenault,  
Secretary of the Charter Commission

Bill Bean  
J. T. Cook  
Bill Coyle  
Armond Gentry  
Earl Hammond  
W. R. "Shorty" Johnson

Orvil Jones, Sr.  
Malvern Kennemer  
Dorothy Kiesler  
Ray Kneegs, Sr.  
Jim McNair  
Vernon Schrade

-----

FIRST CHARTER REVISION COMMITTEE

April 2, 1983

John Crable  
Jimmy Turman  
Dave Hawkins  
Mike McCallum

Robert Powell  
Wayne Carnes  
Jim McNair

-----

SECOND CHARTER REVISION COMMITTEE

May 7, 1988

Billy Armstrong  
Wayne Carnes  
Tom Hilliard  
Janis Richardson

M. E. (Bill) Bean  
Jay Durkin  
Leonard Prince

-----

THIRD CHARTER REVISION COMMITTEE

May 4, 1991

John Schroy,  
Chairman of the Charter Committee

Jade Browning  
David Johnson  
K. C. Wiles

Dr. Brad Daniels  
Diane Ross-Rahm  
Al Wilkinson

FOURTH CHARTER REVISION COMMITTEE

May 3, 2003

**Councilmember Stanton Foerster,  
Chairman of the Charter Committee**

**Hector Collazo, Jr.  
Richard S. Huff  
Jeffrey C. Mateer**

**Suzan Fulton  
Ann Kilpatrick  
Jeffrey Sheldon**

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FIFTH CHARTER REVISION COMMITTEE

May 11, 2013

**Dr. Michael Lucas,  
Chairman of the Charter Committee  
Donna Davis - Council Liaison**

**Tammy Dana-Bashian  
Mick Donnelly  
Whitney Laning  
Pamela Liston  
Jeffrey Sheldon**

**Brownie Sherrill  
David Jenkins  
Kevin Lawson  
Susie Quinn**

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## Appendix "E" ENDNOTES

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- <sup>1</sup> Chapter 54, § 54.001 TEXAS LOCAL GOVERNMENT CODE
- <sup>2</sup> § 54.00, TEXAS LOCAL GOVERNMENT CODE
- <sup>3</sup> § 45.001, TEXAS CODE OF CRIMINAL PROCEDURE
- <sup>4</sup> § 273.00 *et seq.*, TEXAS LOCAL GOVERNMENT CODE
- <sup>5</sup> § 45.00, TEXAS LOCAL GOVERNMENT CODE
- <sup>6</sup> § 4.14, TEXAS CODE OF CRIMINAL PROCEDURE
- <sup>7</sup> The take-line is the area applicable to a property owner whose property is adjacent to the Lake Ray Hubbard Reservoir and the City of Dallas area at elevation 435.5 feet above mean sea level. Such property is under the ownership of the City of Dallas and has been leased to the City of Rowlett.
- <sup>8</sup> Supreme Court adopted rules of criminal procedure and the same is contained in the CODE OF CRIMINAL PROCEDURE, as amended.
- <sup>9</sup> Supreme Court adopted rules of criminal procedure and the same is contain in the CODE OF CRIMINAL PROCEDURE, as amended
- <sup>10</sup> TEXAS TRANSPORTATION CODE
- <sup>11</sup> TEXAS UTILITY CODE
- <sup>12</sup> § 252; § 273, TEXAS LOCAL GOVERNMENT CODE
- <sup>13</sup> art. III, § 5, TEXAS CONSTITUTION
- <sup>14</sup> Chapter 252, TEXAS LOCAL GOVERNMENT CODE, as amended, which is applicable to cities and towns, are hereby adopted by the City.
- <sup>15</sup> Chapters 211, 212 and 213, TEXAS LOCAL GOVERNMENT CODE, as amended
- <sup>16</sup> § 41.001, TEXAS LOCAL GOVERNMENT CODE
- <sup>17</sup> CHAPTER 54, TEXAS LOCAL GOVERNMENT CODE
- <sup>18</sup> TEXAS ELECTION CODE
- <sup>19</sup> TEXAS ELECTION CODE
- <sup>20</sup> TEXAS ELECTION CODE
- <sup>21</sup> art. 11, § 5, TEXAS CONSTITUTION
- <sup>22</sup> TEXAS HEALTH & SAFETY CODE
- <sup>23</sup> § 551.001 *et seq.*, TEXAS GOVERNMENT CODE
- <sup>24</sup> § 551.001 *et seq.*, TEXAS GOVERNMENT CODE
- <sup>25</sup> § 551.001 *et seq.*, TEXAS GOVERNMENT CODE
- <sup>26</sup> § 551.001 *et seq.*, TEXAS GOVERNMENT CODE
- <sup>27</sup> § 551.001 *et seq.*, TEXAS GOVERNMENT CODE
- <sup>28</sup> § 25.001 *et seq.*, TEXAS GOVERNMENT CODE
- <sup>29</sup> § 25.25, TEXAS TAX CODE
- <sup>30</sup> § 25.25, TEXAS TAX CODE
- <sup>31</sup> TEXAS TAX CODE
- <sup>32</sup> TEXAS TAX CODE
- <sup>33</sup> Chapter 105, TEXAS LOCAL GOVERNMENT CODE
- <sup>34</sup> Chapter 105, TEXAS LOCAL GOVERNMENT CODE
- <sup>35</sup> Ch. 277, TEXAS ELECTION CODE
- <sup>36</sup> Ch. 277, TEXAS ELECTION CODE
- <sup>37</sup> Ch. 41, TEXAS ELECTION CODE
- <sup>38</sup> TEXAS ELECTION CODE
- <sup>39</sup> TEXAS UTILITY CODE
- <sup>40</sup> *Texas Code Construction Act*, Chapter 311.001, *et seq.*, TEXAS LOCAL GOVERNMENT CODE
-



City of Rowlett  
Staff Report

4000 Main Street  
P.O. Box 99  
Rowlett, TX 75080-0099  
www.rowlett.com

**AGENDA DATE:** 07/07/15

**AGENDA ITEM:** 3E

**TITLE**

Discuss the purchase of playground construction materials and components from Play by Design in the amount of \$447,313.52 for the Kids Kingdom rebuild project. (20 minutes)

**STAFF REPRESENTATIVE**

Jermel Stevenson, Director of Parks and Recreation  
Keith Flournoy, Parks Division Manager  
Allyson Wilson, Purchasing Agent

**SUMMARY**

On Saturday, May 9<sup>th</sup>, Rowlett citizens voted to approve all three ballot issues related to the sale of bonds for capital improvements. Included in Proposition #2 was the Kids Kingdom Rebuild Project for the amount of \$557,500.00. The purpose of this item is to begin the purchasing process and seek approval to use the sole source vendors and recommended vendors by the approved playground project consultant, Play by Design (PBD). These recommended vendors will provide the construction material and equipment for the Community Kids Kingdom Rebuild slated to begin on November 30, 2015.

**BACKGROUND INFORMATION**

A Request for Qualifications was published on November 13, 2014, for a professional playground design consultant to lead the City in the reconstruction of the Kids Kingdom playground. The original playground was removed in the spring of 2013, after an independent survey revealed that there were significant safety issues and that there were serious concerns about the CCA lumber used to construct the playground. On November 20, 2014, Play by Design, a consulting company from Ithaca, New York was chosen as the consultant to begin the design process for the new Kids Kingdom. At the December 12, 2014, Parks and Recreation Board Meeting it was announced that Play by Design was the vendor selected for the Design Day event and that Play by Design would be providing us with a Design Day event, a schematic drawing and an estimate for the construction of the new playground.

The design process, which included input from school children across Rowlett, concluded with the Design Day Unveiling on January 16, 2015. The conceptual plan for the new Kids Kingdom playground was revealed at an evening presentation at the Rowlett High School with over 600 drawings displayed and 500 people attending. Approximately three weeks after the Design Day, Play by Design presented a final conceptual drawing of the playground, as well as a parts and price list for the playground. The estimated cost of the playground was \$750,000.00.

The Kids Kingdom Reconstruction Project was included in the 2015 bond election Proposition #2, which passed overwhelmingly with 81 percent of the vote. This bond is funding \$557,500.00 of the estimated costs, which with the previous \$100,000.00 designated from the City Council on June 4, 2013, and the anticipated city-wide fundraising efforts of at least \$92,500.00, will cover the estimated cost of the playground (\$750,000.00).

On May 19, 2015, Play by Design was approved as the consultant for the reconstruction of the playground. The reconstruction of the playground will be a “Community Built” project, with volunteers providing labor for the construction. This process, driven by community leaders on the Kids Kingdom Playground Committee, is designed to bring citizens from across the City of Rowlett together to erect the 20,000 square foot playground.

Play by Design was selected via a Request for Qualifications process and is the sole source provider for the aggregation of materials, components and supervisory expertise needed for the project. Because Play by Design is a sole source provider, competitive bidding is not required. Play by Design works with specific playground manufacturers that will be able to provide the materials and components that meet their custom design. Because the labor for the construction are the local citizens of Rowlett, it is important to follow the recommendations of the Project Manager for the construction materials and components. The Project Managers of Play by Design have many years of “Community Built” project management experience and are committed to providing the best materials and components for the Kids Kingdom Playground. Their years of experience building structures and assembling components have provided them with proven methods of construction and standards of safety.

The playground is scheduled to be built starting on November 30, 2015, through December 6, 2015. Below is a timeline of some key dates relative to build week and preparation.

**Table 1**

<b>Date</b>	<b>Event</b>	<b>Location</b>	<b>Purpose</b>
August 28, 2015	Pre-Construction Meeting	RCC	This meeting is for all of the committee chairs to meet with consultant (PBD) to discuss progress made relative to fundraising, volunteer sign up, orders, etc. This will also give us an opportunity to ask any questions. The Consultant will also need to meet with staff (Parks and Rec/Public Works) to discuss site preparation
November 18 <sup>th</sup> - 20 <sup>th</sup> , 2015	Pre-Build	Pecan Grove	Designers from PBD will be on site to lead the Pre-Build, which is a three day event. During this time, much of the site prep and “heavy lifting” is done working with staff from Parks, Public Works and select skilled volunteers. The foundation will be prepared, all of the needed holes will be dug and many of the large posts will be set.
November 30 <sup>th</sup> – December 6 <sup>th</sup> , 2015	Build Week	Pecan Grove	During this week, all of our efforts will come to fruition. According to PBD we should be completed with the playground assembly by December 5 <sup>th</sup> , with a ribbon cutting celebration on December 6 <sup>th</sup> . Please note that after the playground has been completely assembled, there will still be several days before the children can actually play on the new playground. The

Date	Event	Location	Purpose
			poured in place rubber will be the last thing to go in and takes several days to cure.

## DISCUSSION

Due to certain shipping timelines for various playground components, it is important that we get approval for the purchase of the attached materials, parts and equipment for the rebuild project. The following table reflects the lead time needed to insure that we have these necessary items on location prior to Build Week. We are hoping to have all items on site no later than November 1, 2015.

**Table 2**

Item	Delivery Time	Order Date (Week of)	Est. Arrival Date (Week of)
*Zip Line	14 Weeks	July 13, 2015	October 19, 2015
Slide	14 Weeks	July 13, 2015	October 19, 2015
Merry Go Round	14 Weeks	July 13, 2015	October 19, 2015
*Quad Pod	10 Weeks	August 17, 2015	October 26, 2015
*Dino Climber	10 Weeks	August 17, 2015	October 26, 2015
*Spider Bouncer	10 Weeks	August 17, 2015	October 26, 2015
Big-O Swing	10 Weeks	August 17, 2015	October 26, 2015
*Apollo	10 Weeks	August 17, 2015	October 26, 2015
Tri-Max Lumber	8 Weeks	September 7, 2015	November 1, 2015
Darquest Hardware	8 Weeks	September 7, 2015	November 1, 2015

\*Components that require fundraising.

## FINANCIAL/BUDGET IMPLICATIONS

The bonds approved on May 9, 2015, are intended to be sold in three separate years with approximately \$10.1 million being sold this summer and the remaining amount being sold in 2016 and 2017. The amount allotted from the bond election for Kids Kingdom is \$557,500. In addition, the City has already set aside \$100,000 and will be seeking donations through fundraising efforts of about \$92,500 for a total estimated project cost of \$750,000. This initial purchase will cost \$447,313.52, which includes the five play features for which we are currently fundraising. Please note that we will need to make additional purchases of shading and safety surface once we receive the CAD drawings. The CAD drawing will allow us to design the shade structure and get an actual cost for both items based on a scaled drawing.

The \$92,500 estimate that we received from Play by Design for the five fundraising items did not include shipping and handling. We do not plan to ask donors or sponsors to pay for the shipping since it was not included in our initial advertisements, however we will have to plan for these expenses. The total shipping cost for the entire project totals \$14,990.24. The shipping costs can be potentially funded through the Bond, CIP or additional fundraising efforts. Although the Council has initially agreed to the \$92,500 in fundraising, the Parks Advisory Board and Playground Committee are aware of these needs and has had favorable discussions relative to the need to raise funds beyond the original estimate of \$92,500. Staff recommends an increased fundraising target of an additional \$25,000 for a total of \$117,500. Any additional funds raised could then be utilized to cover various ancillary items that will be needed, such as special tools,

storage containers, flyers, promotional expenses, of course the shipping costs and as well as any unforeseen or unplanned costs encountered during the construction process.

Council’s “pre-approval” is important along with the five fundraising items in case we are successful in raising the funds for the five selected items. This is important because of the timelines required for purchasing those items and to ensure they are on site in time to be included with the build.

**Table 3**

<b>Manufacturers</b>	<b>Vendor</b>	<b>Cost with Fundraising Items (Incl. SH)</b>	<b>Cost without Fundraising Items (Incl. SH)</b>
Superior	PBD	\$42,182.49	42,182.49
Integrated Design Solutions (IDS)	PBD	32,980.00 (with dinosaur)	12,170.00 (w/o dinosaur)
Xccent	PBD	2,816.00	2,816.00
Sutcliffe	PBD	26,097.24 (with zip line)	12,607.00 (w/o zip line)
Atlantis	PBD	19,410.00	19,410.00
GL Jones	PBD	26,700.00	26,700.00
Dynamo	PBD	89,380.00 (with Apollo, Q. Pod and Spider)	16,190.00 w/o Apollo, Q. Pod and Spider)
Renew Plastics (Trimax Lumber)	PBD	207,747.79	207,747.79
<b>Total</b>		<b>\$447,313.52</b>	<b>\$339,823.28</b>

**Table 4**

<b>Account Code Project Code</b>	<b>Title</b>	<b>Budget Amount</b>	<b>Proposed Amount</b>
2015 Bond	Kids Kingdom Components from Play by Design Playground	\$557,500.00	\$354,813.52
3028001-Pk2101	Kids Kingdom Components from Play by Design	100,000.00	-
TBD	Desired Fundraising	117,500.00	117,500.00
<b>Total</b>		<b>\$775,000.00</b>	<b>\$472,313.52</b>

**RECOMMENDED ACTION**

This item is listed on the Consent Agenda for further action.

**ATTACHMENTS**

Exhibit A – Factory Direct Equipment Pricing

Exhibit B – Trimax Pricing Quote



June 30, 2015

Keith Flournoy CPRP  
Parks Division Manager  
5300 Main St.  
Rowlett, Tx 75088

**FACTORY DIRECT EQUIPMENT QUOTE**

(Must be purchased through Play by Design)

(Estimated Prices are valid for 30 days from date of estimate listed above)

ITEM	QUANTITY	PRICE	TOTAL
<b>SUPERIOR INTERNATIONAL INDUSTRIES (Sii)</b>			
<b>PLASTIC SLIDES</b>			
Tri Chute Split	1	4,200.00	4,200.00
Tot Right Turn	1	640.00	640.00
96" Stargate Veer Slide	1	2,094.00	2,094.00
Left Tube Slide (FTA 3066 #744241 (L)	1	2,870.00	2,870.00
Standard slide foot (06500)	4	90.00	360.00
Standard slide middle (SGS-SUP)	3	100.00	300.00
Slide mounting kit (0772200)	4	33.00	132.00
Slide foot mounting kit (0009231)	4	1.00	4.00
Slide hardware kit (FSSA 3066 kit)	1	320.00	320.00
L-bracket (0020500)	4	15.00	60.00
L-bracket mounting kit (0009230)	4	2.50	10.00
<b>SWINGS</b>			
5" Arch swings (8' 3-bay 90015503)	1	4,639.00	4,639.00
5" Arch tire swings add a bay (90945900xx)	1	1,480.00	1,480.00
5" Single Post with shade (8' 2-bay TFR08980XX)	1	4,794.00	4,794.00
Belt seat S-02 w/chain and hardware (90015108G)	5	75.00	375.00
Tire swing PT-02 w/chain and hardware (PT-05G)	1	236.00	236.00
The Complete Seat S-252 w/chain and hardware	3	125.00	375.00
Tot Adaptive Seat w/chain and hardware (ADP-05)	1	351.00	351.00
Adaptive Seat w/chain and hardware (ADP-25)	1	574.00	574.00



PLAY BY DESIGN

677 Bostwick Road | Ithaca, NY 14850

607-229-9790 playbydesignonline.com

Rowlett, TX Community Playground

Page 2

ITEM	QUANTITY	PRICE	TOTAL
<b>COMPONENTS</b>			
Trapeze Rung (70009009)	1	695.00	695.00
90 Degree straight rung (70009107)	1	822.00	822.00
360 Orbital Horizontal Ladder (90009011 PL)	1	990.00	990.00
Petunia (41636-OX)	1	3,370.00	3,370.00
3-Wheel spinner (TCW02106)	1	1,182.00	1,182.00
Chin-up bar (70022001)	1	72.00	72.00
Rock wall handholds (CRH – 4/set)	14	20.00	280.00
Coil climber (70007006)	1	600.00	600.00
Grab handle (R3 handles)	8	20.00	160.00
Clevis connectors (SH-40)	12	2.50	30.00
Allen wrench (SH-41)	1	2.50	2.50
6"x6" caps (PC-66)	130	4.00	520.00
Steering Wheels (A-40)	2	64.00	128.00
Mushroom Hops 11.5" (MS-02)	2	300.00	600.00
Mushroom Hops 15.5" (MS-03)	2	320.00	640.00
Mushroom Hops 19.5" (MS-04)	2	340.00	680.00
4' Crawl Tunnel (0743800)	1	1,690.00	1,690.00
Deep Arch Rung (70007007)	1	810.00	810.00
Challenge Bridge	1	1,516.00	1,516.00
Pony (SA-02)	1	499.99	499.99
Shuttle Rider (90018315)	1	1,083.00	1,083.00
Total			\$40,184.49



**PLAY BY DESIGN**

677 Bostwick Road | Ithaca, NY 14850

607-229-9790 playbydesignonline.com

Rowlett, TX Community Playground

Page 3

<b>ITEM</b>	<b>QUANTITY</b>	<b>PRICE</b>	<b>TOTAL</b>
<b>XCCENT PLAY</b>			
Graviton spinner	1	2,440.00	2,440.00
<b>SUTCLIFFE PLAY – UK</b>			
Swing nest	1	600.00	600.00
Drag Ramp	2	5,400.00	10,800.00
Cable Ride (Zip Line)	1	10,500.00	10,500.00
<b>INTEGRATED DESIGN SOLUTIONS (IDS)</b>			
Climbing boulder (72” Transition)	1	11,500.00	11,500.00
T-Rex	1	19,480.00	19,480.00
<b>DYNAMO</b>			
Spider Large (DX-102)	1	19,330.00	19,330.00
Mini Apollo (DX-1200)	1	14,030.00	14,030.00
Biggo Spia (DX-3175)	2	6,400.00	12,800.00
Quad Pod (DX-2400)	1	36,700.00	36,700.00
<b>ATLANTICS</b>			
AA Spiral Tube Slide (112” Custom Stainless)	1	19,410.00	19,410.00
<b>GL-JONES PLAYGROUNDS</b>			
Ability Whirl (Accessible Merry-go-Round)	1	26,700.00	26,700.00
Total .....			\$184,290.00



**FACTORY DIRECT EQUIPMENT SHIPPING QUOTE**

(Estimated Prices are valid for 30 days from date of estimate listed above)

Sii	\$1,998.00
Xccent	\$376.00
Sutcliffe	\$4197.24
IDS	\$2,000.00
Dynamo	\$6,520.00
Atlantics	(included in price)
GL Jones Playgrounds	(included in price)
Total Shipping Handling .....	\$15,091.24
<b>GRAND TOTAL.....</b>	<b>\$239,565.73</b>

# Play by Design

Rowlett TX - Playground

Pieces	Profile	Length	Color	Surface	Wt/LF	\$/Stick	Wt Extension	\$ Extension
70	1 1/2" x 9 1/2" Sqr Edge	16	Cedar	Smooth	5.54	\$157.76	6205	\$11,043.20
20	1 1/2" x 9 1/2" Sqr Edge	16	Red	Evolve	5.54	\$133.44	1773	\$2,668.80
28	1 1/2" x 9 1/2" Sqr Edge	16	Teal	Evolve	5.54	\$133.60	2482	\$3,740.80
9	1 1/2" x 9 1/2" Sqr Edge	12	White	Evolve	5.54	\$114.60	598	\$1,031.40
36	1 1/2" x 7 1/2" Sqr Edge	16	Cedar	Smooth	4.37	\$114.24	2517	\$4,112.64
150	1 1/2" x 7 1/2" Sqr Edge	13	Cedar	Smooth	4.37	\$92.82	8522	\$13,923.00
275	1 1/2" x 5 1/2" Eased Edge	12	Cedar	Smooth	3.47	\$73.32	11451	\$20,163.00
305	1 1/2" x 5 1/2" Eased Edge	16	Cedar	Smooth	3.47	\$97.76	16934	\$29,816.80
60	1 1/2" x 3 1/2" Radius Edge	13	Cedar	Smooth	2.04	\$42.12	1591	\$2,527.20
248	1 1/2" x 3 1/2" Radius Edge	16	Cedar	Smooth	2.04	\$51.84	8095	\$12,856.32
1100	1 1/2" x 1 1/2" Sq Edge	4	Cedar	Smooth	0.73	\$5.84	3212	\$6,424.00
35	1 1/2" x 1 1/2" Sq Edge	13	Cedar	Smooth	0.73	\$18.98	332	\$664.30
80	1 1/2" x 1 1/2" Sq Edge	8	Cedar	Smooth	0.73	\$11.68	467	\$934.40
60	1 1/2" x 1 1/2" Sq Edge	10	Cedar	Smooth	0.73	\$14.60	438	\$876.00
320	1" x 5 1/2" Sq Edge	16	Cedar	Woodgrain	1.68	\$32.96	8602	\$10,547.20
140	1" x 5 1/2" Sq Edge	12	Cedar	Woodgrain	1.68	\$24.72	2822	\$3,460.80
160	3 1/2" x 3 1/2" Sqr Edge	8	Cedar	Smooth	4.77	\$63.60	6106	\$10,176.00
5	3 1/2" x 3 1/2" Sqr Edge	10	Cedar	Smooth	4.77	\$79.50	239	\$397.50
10	3 1/2" x 3 1/2" Sqr Edge	14	Cedar	Smooth	4.77	\$111.30	668	\$1,113.00
12	5 1/2" x 5 1/2" Sqr Edge	5	Cedar	Smooth	11.76	\$86.05	706	\$1,032.60
6	5 1/2" x 5 1/2" Sqr Edge	6	Cedar	Smooth	11.76	\$103.26	423	\$619.56
5	5 1/2" x 5 1/2" Sqr Edge	7	Cedar	Smooth	11.76	\$120.47	412	\$602.35
23	5 1/2" x 5 1/2" Sqr Edge	8	Cedar	Smooth	11.76	\$137.68	2164	\$3,166.64
7	5 1/2" x 5 1/2" Sqr Edge	9	Cedar	Smooth	11.76	\$154.89	741	\$1,084.23
12	5 1/2" x 5 1/2" Sqr Edge	10	Cedar	Smooth	11.76	\$172.10	1411	\$2,065.20
12	5 1/2" x 5 1/2" Sqr Edge	11	Cedar	Smooth	11.76	\$189.31	1552	\$2,271.72
44	5 1/2" x 5 1/2" Sqr Edge	12	Cedar	Smooth	11.76	\$206.52	6209	\$9,086.88
11	5 1/2" x 5 1/2" Sqr Edge	13	Cedar	Smooth	11.76	\$223.73	1682	\$2,461.03
10	5 1/2" x 5 1/2" Sqr Edge	14	Cedar	Smooth	11.76	\$240.94	1646	\$2,409.40
22	5 1/2" x 5 1/2" Sqr Edge	15	Cedar	Smooth	11.76	\$258.15	3881	\$5,679.30
20	5 1/2" x 5 1/2" Sqr Edge	16	Cedar	Smooth	11.76	\$275.36	3763	\$5,507.20
2	5 1/2" x 5 1/2" Sqr Edge	17	Cedar	Smooth	11.76	\$292.57	400	\$585.14
18	5 1/2" x 5 1/2" Sqr Edge	18	Cedar	Smooth	11.76	\$309.78	3810	\$5,576.04
4	5 1/2" x 5 1/2" Sqr Edge	20	Cedar	Smooth	11.76	\$344.20	941	\$1,376.80
4	5 1/2" x 5 1/2" Sqr Edge	22	Red	Smooth	11.76	\$378.62	1035	\$1,514.48
1700	1" x 2 3/4" Radius Edge	4	Cedar	Smooth	0.91	\$10.00	6188	\$17,000.00

(Engraved Fence Pickets)

120016 \$198,514.93

3 trucks - 1157 miles @ 2.66 / mile Freight

\$9,232.86

\$207,747.79

**Trimax**

PO Box 480, Luxemburg, WI 54217-0480





City of Rowlett  
Staff Report

4000 Main Street  
P.O. Box 99  
Rowlett, TX 75080-0099  
www.rowlett.com

**AGENDA DATE:** 07/07/15

**AGENDA ITEM:** 5A

**TITLE**

Proclamation recognizing July as National Parks and Recreation Month.

**STAFF REPRESENTATIVE**

Jermel Stevenson, Director of Parks and Recreation

**SUMMARY**

Each year, the National Recreation and Parks Association designates a theme for the month of July. July 2015 marks 30 years of Park and Recreation Month and the enduring importance of parks and recreation for the world. This July, we celebrate the past, present and future of parks and recreation!

**BACKGROUND INFORMATION**

Since 1985, America has celebrated the month of July as the nation's official Parks and Recreation Month. Each July, the National Recreation and Parks Association encourages recreation facilities and parks across the country to kick off summer programs, promote outdoor physical recreation, and pull together volunteers to make their outdoor space a thriving center of community activity.

**DISCUSSION**

This year, in an effort to play its role in local tourism, the Parks and Recreation Department has planned plenty of dynamic activities, beginning with the Fireworks at Bayside held on July 4, 2015. Fireworks at Bayside included vendor booths, festival food, free children's area with bounce houses and face painting, entertainment and a fireworks show beginning at approximately 9:30 pm. This year the Department celebrated the past with Sister Sledge as this year's headliner.

Another tourism attraction is the State recognized Paddling Trail located at Paddle Point Park. There will be hundreds of kayakers and paddle boat users at Paddle Point Park during the month of July. Lakeside Park is also utilized as a major fishing location for anglers within the area. During the early morning and late evening hours, hundreds of anglers utilize the park as a location to fish.

In cooperation with the Sports Associations, the Parks and Recreation Department will host several softball games and tournaments and a soccer tournament. These tournaments and games bring thousands of players and participants from all over the Metroplex to Community Park during the month.

The Wet Zone Water Park also plays a vital role in local tourism during Parks and Recreation month. During the month of July, the Water Park will conduct swimming classes, offer Friday night movies and have special events. On an annual basis, the Parks and Recreation system has approximately 500,000 visitors and participants and the month of July is a major contributor to this annual number.

## **ATTACHMENT**

Proclamation

## **PARKS AND RECREATION MONTH**

**WHEREAS**, parks and recreation programs are an integral part of communities throughout this country, including Rowlett, Texas; and

**WHEREAS**, our parks and recreation are vitally important to establishing and maintaining the quality of life in our communities, ensuring the health of all citizens, and contributing to the economic and environmental well-being of a community and region; and

**WHEREAS**, parks and recreation programs build healthy, active communities that aid in the prevention of chronic disease, provide therapeutic recreation services for those who are mentally or physically disabled, and also improve the mental and emotional health of all citizens; and

**WHEREAS**, parks and recreation programs increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

**WHEREAS**, parks and recreation areas are fundamental to the environmental well-being of our community; and

**WHEREAS**, parks and natural recreation areas improve water quality, protect groundwater, prevent flooding, improve the quality of the air we breathe, provide vegetative buffers to development, and produce habitat for wildlife; and

**WHEREAS**, our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

**WHEREAS**, the U.S. House of Representatives has designated July as Parks and Recreation Month; and

**WHEREAS**, Rowlett, Texas recognizes the benefits derived from parks and recreation resources.

**NOW THEREFORE**, I, Todd W. Gottel, Mayor of the City of Rowlett, and on behalf of the City Council do hereby proclaim the month of July as Park and Recreation Month in the City of Rowlett, Texas.



City of Rowlett  
Staff Report

4000 Main Street  
P.O. Box 99  
Rowlett, TX 75080-0099  
www.rowlett.com

**AGENDA DATE:** 07/07/15

**AGENDA ITEM:** 5B

**TITLE**

Hear presentation of the Monthly Financial report for the period ending May 31, 2015.

**STAFF REPRESENTATIVE**

Wendy Badgett, Interim Director of Finance

**SUMMARY**

Attached is the Comprehensive Monthly Financial Report for May 2015, in accordance with the City Council's financial strategy to provide timely and accurate reporting. The fiscal year for the City of Rowlett is October 1 through October 30. Eight months of FY2015, or 66.7 percent of the fiscal year is complete.

**BACKGROUND INFORMATION**

The City of Rowlett Department of Financial Services is dedicated to excellence in local government, comprehensive fiscal management, compliance and reporting. The Comprehensive Monthly Finance Report (CMFR) is a unique document that is prepared each month and is directed at providing our audience (internal and external users), with important information about the City's financial position and operations.

**DISCUSSION**

Attached is the Comprehensive Monthly Financial report for May 2015. Eight months of FY2015, or 66.7 percent of the fiscal year is complete.

**Revenues:** Overall, the City has earned or received \$64.6 million for FY2015. This amount is 75.7 percent of the approved operating budget of \$85.3 million and is 4.1 percent more than forecast through the month of May.

- General Fund revenues are \$0.5 million or 1.8 percent higher than expected.
- Utility Fund revenues are \$0.1 million or 0.7 percent higher than expected.
  - Utility Fund revenues in total are higher than expected as the result of higher than expected impact fees. Water and sewer charges for service, however, are actually lower than expected by 6.4 percent combined.

These impact fees are being generated from increased development activity, primarily attributable to the Terra Lago and Harmony Hills projects. Staff projected to collect \$60,000 in utility impact fees in FY2015; as of April 30, 2015, \$971,850 has been collected. The revenue from these fees is to be used to support the development activity that generated these fees through capital projects, not for operating expenses.

Due to lower than projected usage during the Stage 3 water restrictions and the amount of precipitation that has fallen in the Rowlett area during the month of May, staff believes that it will be very difficult to make up enough usage in the remaining summer months to hit our target. As a result, staff is recommending a two-fold approach to the Utility Fund in FY2015 to manage this issue, which will be outlined in the July 7<sup>th</sup> Council work session.

1. Amend the budget for \$1.1 million by reducing expenses and eliminating the surplus buffer budgeted in FY2015.
2. Set aside \$400,000 from the amount allocated to the Utility Fund Cash CIP. If we hit our target in the remaining months, this amount will be reinstated for ongoing projects. If the target is missed, then this amount will be used to cover any additional shortfall.

**Expenditures:** Expenses totaled \$56.4 million year-to-date for FY2015. This amount is 65.5 percent of the approved operating budget of \$86.1 million and is 4.2 percent lower than forecast through the month of May.

- General Fund expenditures are \$1.2 million or 5.2 percent lower than expected.
- Utility Fund expenditures are \$0.4 million or 2.2 percent lower than expected.

**Surplus:** The net surplus from operations through May is \$8.2 million, which is \$5.0 million better than expected at this point in the year. The adopted operating budget for the fiscal year anticipates a total decrease of \$0.8 million.

**Budget Watch:** Staff will be bringing forward an amendment to the Utility Fund budget to City Council on July 21, 2015. Although North Texas Municipal Water District (NTMWD) announced that they would eliminate the Stage 3 water restrictions effective May 1, 2015, May 2015 has now been recorded as the wettest single month on record in Texas and Oklahoma. Much lower usage than budget projections are resulting from both the Stage 3 water restrictions and the record-breaking rainfall in May. Usage is down by more than 12 percent from the FY2015 budgeted projection. City staff has completed a detailed analysis of Utility Fund expenditure budgets and recommends reducing the FY2015 revenue budget by \$1,086,700, eliminating the surplus buffer and reducing the FY2015 expense budget by \$543,382.

## **RECOMMENDED ACTION**

Information only. The Comprehensive Monthly Financial Report – May 31, 2015 is attached to this agenda item as Attachment 1.

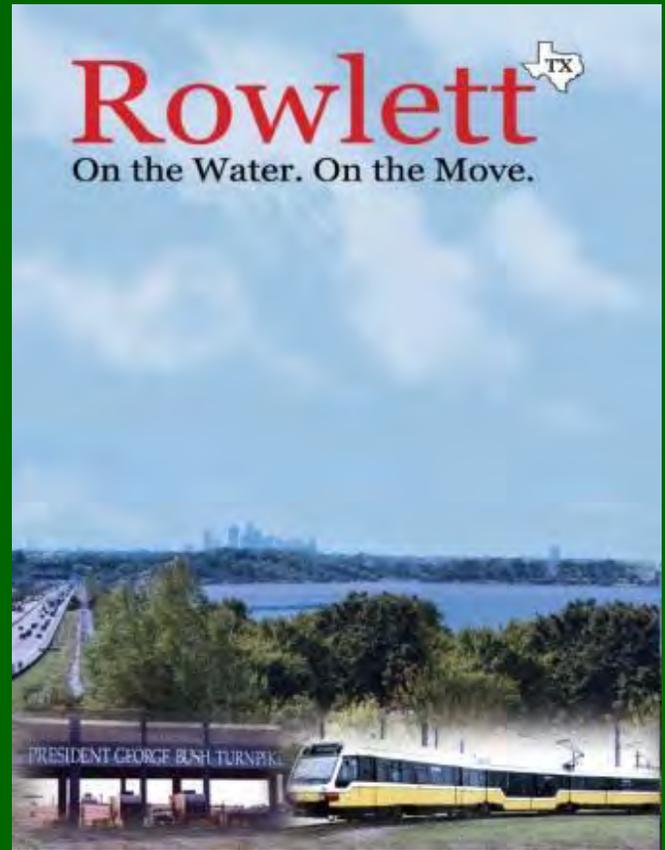
## **ATTACHMENT**

Attachment 1 – Comprehensive Monthly Financial Report – May 31, 2015



**Comprehensive  
Monthly  
Financial  
Report**

**May 2015**





# MONTHLY FINANCIAL REPORT

## PERFORMANCE AT A GLANCE

**May 2015**

	YEAR TO DATE	REFERENCE
ALL FUNDS SUMMARY	POSITIVE	Page 4
GENERAL FUND REV VS EXP	POSITIVE	Page 5
PROPERTY TAXES	WARNING	Page 5
SALES TAXES	POSITIVE	Page 6
FRANCHISE FEES	POSITIVE	Page 6
UTILITY FUND REV VS EXP	POSITIVE	Page 7
SEWER REVENUES	NEGATIVE	Page 7
WATER REVENUES	NEGATIVE	Page 8
WATER USAGE	NEGATIVE	Page 8
REFUSE FUND REV VS EXP	POSITIVE	Page 9
DRAINAGE FUND REV VS EXP	POSITIVE	Page 9
DEBT SERVICE FUND REV VS EXP	POSITIVE	Page 10
EMPLOYEE BENEFITS REV VS EXP	POSITIVE	Page 10

## PERFORMANCE INDICATORS

**POSITIVE**

= Positive variance or negative variance < 1% compared to seasonal trends.

**WARNING**

= Negative variance of 1-5% compared to seasonal trends

**NEGATIVE**

= Negative variance of >5% compared to seasonal trends.



ECONOMIC INDICATORS	May 31, 2015 – NEWS FOR YOU
<p data-bbox="337 323 488 352"><b>ECONOMY</b></p> <p data-bbox="188 359 444 388"><b>National GDP:</b> </p> <p data-bbox="188 394 633 705">GDP - the output of goods and services produced by labor and property located in the US – decreased at a rate of 0.7% in the 1st quarter of 2015 after increasing 2.2% in the 4th quarter of 2014 as reported by the Bureau of Economic Analysis. The decline reflects declines in exports, business investments, and state and local government spending offset by an increase in consumer spending.</p> <p data-bbox="188 741 488 770"><b>Texas Retail Sales:</b> </p> <p data-bbox="188 777 633 869">Texas retail sales totaled \$41.9 billion for the month of March, an increase of \$1.9 billion (4.8%) over March 2014.</p> <p data-bbox="188 905 516 934"><b>Texas Leading Index:</b> </p> <p data-bbox="188 940 633 1188">The Texas Leading Index is a single summary statistic that sheds light on the future of the state's economy. The index is a composite of eight leading indicators—those that tend to change direction before the overall economy. The index increased 0.7% between the months of March and April.</p>	<p data-bbox="656 323 1437 422">Attached is the Comprehensive Monthly Financial report for May 2015. Eight months of FY2015, or 66.7% of the fiscal year is complete.</p> <p data-bbox="656 457 1437 590"><b>Revenues:</b> Overall, the City has earned or received \$64.6 million for FY2015. This amount is 75.7% of the approved operating budget of \$85.3 million and is 4.1% more than forecast through the month of May.</p> <ul data-bbox="704 625 1437 758" style="list-style-type: none"> <li>• General Fund revenues are \$0.5 million or 1.8% higher than expected.</li> <li>• Utility Fund revenues are \$0.1 million or 0.7% higher than expected.</li> </ul> <p data-bbox="656 793 1437 926"><b>Expenditures:</b> Expenses totaled \$56.4 million year-to-date for FY2015. This amount is 65.5% of the approved operating budget of \$86.1 million and is 4.2% lower than forecast through the month of May.</p> <ul data-bbox="704 961 1437 1094" style="list-style-type: none"> <li>• General Fund expenditures are \$1.2 million or 5.2% lower than expected.</li> <li>• Utility Fund expenditures are \$0.4 million or 2.2% lower than expected.</li> </ul> <p data-bbox="656 1129 1437 1262"><b>Surplus:</b> The net surplus from operations through May is \$8.2 million which is \$5.0 million better than expected at this point in the year. The adopted operating budget for the fiscal year anticipates a total decrease of \$0.8 million.</p>
<p data-bbox="285 1199 534 1228"><b>UNEMPLOYMENT</b></p> <p data-bbox="188 1264 505 1293"><b>National Unemployment:</b></p> <p data-bbox="188 1299 633 1392">The national unemployment rate increased from 5.4% to 5.5% from April to May.</p> <p data-bbox="188 1428 337 1457"><b>State-Wide:</b></p> <p data-bbox="188 1463 633 1526">The Texas unemployment rate remained the same at 4.2% again in April.</p> <p data-bbox="188 1562 354 1591"><b>Rowlett:</b> </p> <p data-bbox="188 1598 633 1745">The City of Rowlett unemployment rate for April 2015 was 3.5%, a 10.3% decrease over the March unemployment rate of 3.9%. Note – city unemployment rates are not seasonally adjusted.</p>	<p data-bbox="935 1272 1151 1302"><b>NOTEWORTHY</b></p> <p data-bbox="656 1308 1437 1587"><b>BAYSIDE</b> – This catalytic development will serve as a beautiful gateway into Rowlett from IH30. On May 15, the City of Rowlett, along with development partner Bayside Land Partners, completed the transaction and closing with the City of Dallas, ushering in a new legacy project to begin for Rowlett. The \$31.8 million purchase price has been fully funded by the City's development partner, Bayside Land Partners, and will be beautifully and innovatively master-planned and developed.</p>



**CITY OF ROWLETT, TEXAS  
FINANCIAL STATUS DASHBOARD  
May 31, 2015**

**BUDGET SUMMARY OF ALL FUNDS FY2015**

	2015 <u>Budget</u>	2015 <u>Forecast</u>	2015 <u>Year-to-Date</u>	<u>Variance</u>
<b>Beginning Reserves</b>	\$ 17,438,670	\$ 13,602,374	\$ 13,602,374	0.0%
<b>Revenues:</b>				
General	37,097,467	29,304,426	29,842,381	1.8%
Water & sewer	28,605,460	17,508,416	17,630,152	0.7%
Debt service	7,783,232	7,399,343	7,903,357	6.8%
Drainage	1,346,939	897,963	893,243	-0.5%
Refuse	4,699,097	3,132,752	3,270,893	4.4%
Employee health benefits	4,405,117	2,936,745	2,869,495	-2.3%
Impact fees	44,357	29,571	1,178,594	3885.6%
Police seizure	100,550	67,033	62,224	-7.2%
Economic development	316,694	211,129	210,564	-0.3%
Hotel/motel tax	47,752	28,794	40,317	40.0%
P.E.G.	85,042	42,098	103,626	146.2%
Grants	73,792	49,195	180,392	266.7%
Community Development Block Grant	186,209	124,139	79,254	-36.2%
Inspection Fees Fund	169,333	112,889	110,550	-2.1%
Juvenile diversion	33,281	22,187	24,011	8.2%
Court technology	26,936	17,957	19,979	11.3%
Court security	20,035	13,357	14,941	11.9%
Golf course	256,564	128,599	159,507	24.0%
<b>Total Revenues</b>	<b>\$ 85,297,857</b>	<b>\$ 62,026,595</b>	<b>\$ 64,593,478</b>	<b>4.1%</b>
<b>Expenses:</b>				
General	37,021,061	23,940,266	22,706,795	-5.2%
Water & sewer	28,062,142	19,489,886	19,062,508	-2.2%
Debt service	7,783,232	6,501,371	6,486,968	-0.2%
Drainage	1,318,500	900,216	843,644	-6.3%
Refuse	4,657,232	3,104,821	3,125,460	0.7%
Employee health benefits	4,337,523	2,891,682	2,515,728	-13.0%
Impact fees	916,238	610,825	32,243	-94.7%
Police seizure	350,550	233,700	207,582	-11.2%
Economic development	436,593	282,961	285,998	1.1%
Hotel/motel tax	42,749	28,499	6,306	-77.9%
P.E.G.	113,142	99,428	82,607	-16.9%
Grants	71,434	43,654	180,392	313.2%
Community Development Block Grant	186,209	124,139	79,254	-36.2%
Inspection Fees Fund	115,760	77,173	47,214	-38.8%
Juvenile diversion	34,399	22,933	19,276	-15.9%
Court technology	49,005	45,105	89,251	97.9%
Court security	23,989	15,993	22,577	41.2%
Golf course	559,025	431,746	577,038	33.7%
<b>Total Expenses</b>	<b>\$ 86,078,783</b>	<b>\$ 58,844,399</b>	<b>\$ 56,370,840</b>	<b>-4.2%</b>
<b>Current Year Surplus/(Shortfall)</b>	<b>\$ (780,926)</b>	<b>\$ 3,182,196</b>	<b>\$ 8,222,638</b>	<b>158.4%</b>
<b>Ending Reserves</b>	<b>\$ 16,657,744</b>	<b>\$ 16,784,569</b>	<b>\$ 21,825,012</b>	<b>30.0%</b>

Positive

Warning

Negative

Positive variance or negative variance <1% compared to forecast  
 Negative variance between 1%-5% compared to forecast  
 Negative variance >5% compared to forecast

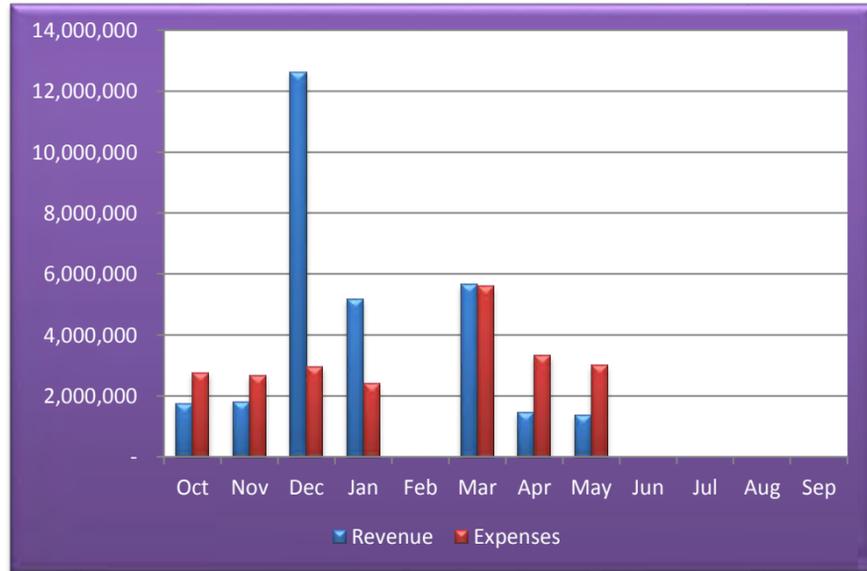


**CITY OF ROWLETT, TEXAS  
FINANCIAL STATUS DASHBOARD  
May 31, 2015**

**OVERALL FUND PERFORMANCE**

**GENERAL FUND REVENUES VS EXPENSES FY2015**

Month	2015 Revenue	2015 Expenses	Monthly Variance
Oct	1,734,785	2,759,381	\$ (1,024,596)
Nov	1,807,432	2,671,992	(864,560)
Dec	12,610,694	2,938,279	9,672,416
Jan	5,184,121	2,416,012	2,768,108
Feb	-	-	-
Mar	5,664,737	5,594,393	70,344
Apr	1,462,874	3,331,111	(1,868,237)
May	1,377,737	2,995,627	(1,617,890)
Jun	-	-	-
Jul	-	-	-
Aug	-	-	-
Sep	-	-	-
<b>Total</b>	<b>\$ 29,842,381</b>	<b>\$ 22,706,795</b>	<b>\$ 7,135,586</b>
<b>Cumulative Forecast</b>	<b>\$ 29,304,426</b>	<b>\$ 23,940,266</b>	<b>\$ 5,364,160</b>
<b>Actual to Forecast \$</b>	<b>\$ 537,955</b>	<b>\$ (1,233,472)</b>	<b>\$ 1,771,426</b>
<b>Actual to Forecast %</b>	<b>1.8%</b>	<b>-5.2%</b>	



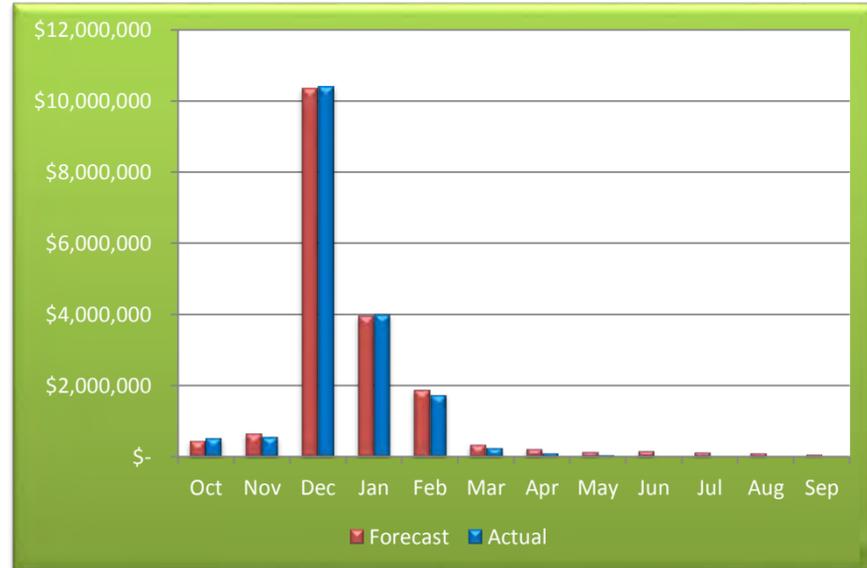
**Positive**

Cumulatively overall, the General Fund is better than forecasted for this time of the year, with revenues exceeding the forecast by 1.8% and expenses 5.2% lower than forecasted. These differences are primarily due to higher than expected franchise fees and building permit revenues, and the timing of supply and capital equipment purchases.

**REVENUE ANALYSIS**

**PROPERTY TAXES FY2015**

Month	2015 Forecast	2015 Actual	Monthly Variance
Oct	\$ 454,997	\$ 526,146	\$ 71,149
Nov	658,035	556,508	(101,527)
Dec	10,362,155	10,407,110	44,955
Jan	3,986,347	3,994,425	8,078
Feb	1,884,055	1,729,174	(154,881)
Mar	340,621	243,070	(97,551)
Apr	216,375	96,413	(119,962)
May	138,080	54,281	(83,799)
Jun	164,504	-	-
Jul	119,972	-	-
Aug	104,988	-	-
Sep	58,993	-	-
<b>Total</b>	<b>\$ 18,489,122</b>	<b>\$ 17,607,127</b>	<b>\$ (433,538)</b>
<b>Actual to Forecast</b>			<b>-2.4%</b>



**Warning**

Property taxes represents nearly 50% of the total General Fund revenue budget and serves as the primary funding source for the general government. They are generally collected in December and January of each year. Cumulatively overall, property tax revenues are 2.4% lower than forecasted for this time of the year.



**CITY OF ROWLETT, TEXAS  
FINANCIAL STATUS DASHBOARD  
May 31, 2015**

**REVENUE ANALYSIS**

**SALES TAXES FY2015**

Month	2015 Forecast	2015 Actual	Monthly Variance
Oct	\$ 478,504	\$ 460,063	\$ (18,441)
Nov	410,264	452,581	42,317
Dec	581,282	598,257	16,975
Jan	405,356	396,499	(8,857)
Feb	376,136	408,413	32,277
Mar	504,779	597,027	92,248
Apr	432,807	464,601	31,794
May	434,829	<b>434,829</b>	-
Jun	579,529		
Jul	427,562		
Aug	452,415		
Sep	548,190		
<b>Total</b>	<b>\$ 5,631,653</b>	<b>\$ 3,812,270</b>	<b>\$ 188,313</b>
<i>Actual to Forecast</i>			5.2%



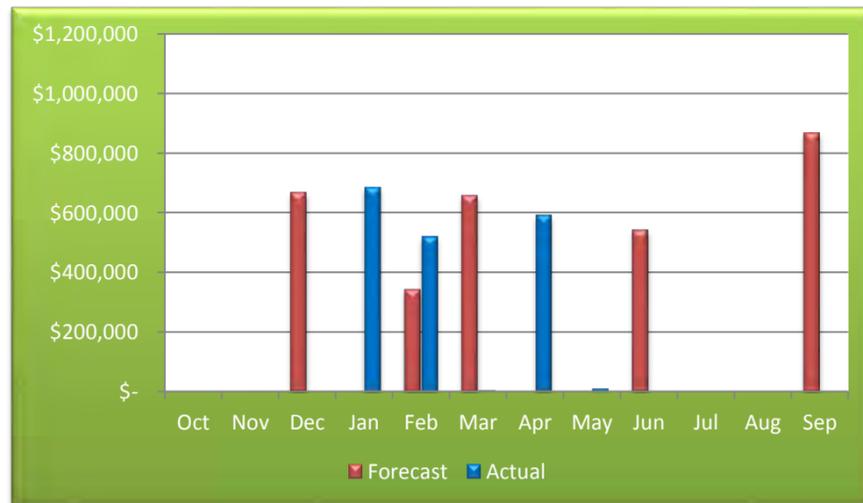
**Positive**

Sales tax is an important indicator of financial health for the Rowlett community. Sales taxes are collected by the State Comptroller and are recorded two months later. The sales taxes reported here for May represent an estimate. Overall, sales tax revenues are 5.2% higher than forecasted for this time of the year.

**REVENUE ANALYSIS**

**FRANCHISE FEES FY2015**

Month	2015 Forecast	2015 Actual	Monthly Variance
Oct	\$ -	\$ -	\$ -
Nov	-	215	215
Dec	667,417	-	(667,417)
Jan	-	683,614	683,614
Feb	343,788	519,339	175,551
Mar	656,587	4,369	(652,218)
Apr	-	589,708	589,708
May	-	10,125	10,125
Jun	543,057		
Jul	-		
Aug	-		
Sep	867,119		
<b>Total</b>	<b>\$ 3,077,966</b>	<b>\$ 1,807,370</b>	<b>\$ 139,579</b>
<i>Actual to Forecast</i>			8.4%



**Positive**

Franchise fees represents nearly 10% of the total General Fund budget and include electric, gas, cable and telecommunications. Most fees are paid quarterly with natural gas being paid yearly in February. Natural gas franchise fee was 51.1% higher than expected. Overall, franchise fees 8.4% higher than expected.



**CITY OF ROWLETT, TEXAS  
FINANCIAL STATUS DASHBOARD  
May 31, 2015**

**OVERALL FUND PERFORMANCE**

**UTILITY FUND REVENUES VS EXPENSES FY2015**

Month	2015 Revenue	2015 Expenses	Monthly Variance
Oct	2,523,628	1,923,448	\$ 600,179
Nov	2,371,585	1,871,254	500,331
Dec	2,199,908	2,022,527	177,381
Jan	2,071,743	1,921,446	150,298
Feb	-	-	-
Mar	4,162,568	7,533,495	(3,370,927)
Apr	2,319,497	1,957,159	362,338
May	1,981,222	1,833,178	148,044
Jun	-	-	-
Jul	-	-	-
Aug	-	-	-
Sep	-	-	-
<b>Total</b>	<b>\$ 17,630,152</b>	<b>\$ 19,062,508</b>	<b>\$ (1,432,356)</b>
<b>Cumulative Forecast</b>	<b>\$ 17,508,416</b>	<b>\$ 19,489,886</b>	<b>\$ (1,981,470)</b>
<b>Actual to Forecast \$</b>	<b>\$ 121,736</b>	<b>\$ (427,378)</b>	<b>\$ 549,114</b>
<b>Actual to Forecast</b>	<b>0.7%</b>	<b>-2.2%</b>	



Positive

Utility fund revenues are 0.7% lower than forecast as a result of higher than expected impact fees and penalty charges. Expenses are lower than projected by 2.2% because of lower than expected personnel costs and the timing of supply and capital equipment purchases. The fund makes semi-annual debt payments in March and September.

**REVENUE ANALYSIS**

**SEWER REVENUES FY2015**

Month	2015 Forecast	2015 Actual	Monthly Variance
Oct	\$ 950,041	\$ 919,190	\$ (30,851)
Nov	864,394	855,352	(9,042)
Dec	831,962	772,784	(59,178)
Jan	771,702	766,420	(5,282)
Feb	772,893	679,354	(93,539)
Mar	781,451	796,213	14,762
Apr	804,109	791,597	(12,512)
May	902,274	755,162	(147,112)
Jun	901,889	-	-
Jul	953,917	-	-
Aug	989,855	-	-
Sep	991,635	-	-
<b>Total</b>	<b>\$ 10,516,122</b>	<b>\$ 6,336,071</b>	<b>\$ (342,755)</b>
<b>Actual to Forecast</b>			<b>-5.1%</b>



Negative

Sewer sales represent over 40% of the Utility Fund budget and cover the cost of sewer treatment paid to City of Garland. Cumulatively overall, sewer revenues are 5.1% lower than forecasted for this time of year.

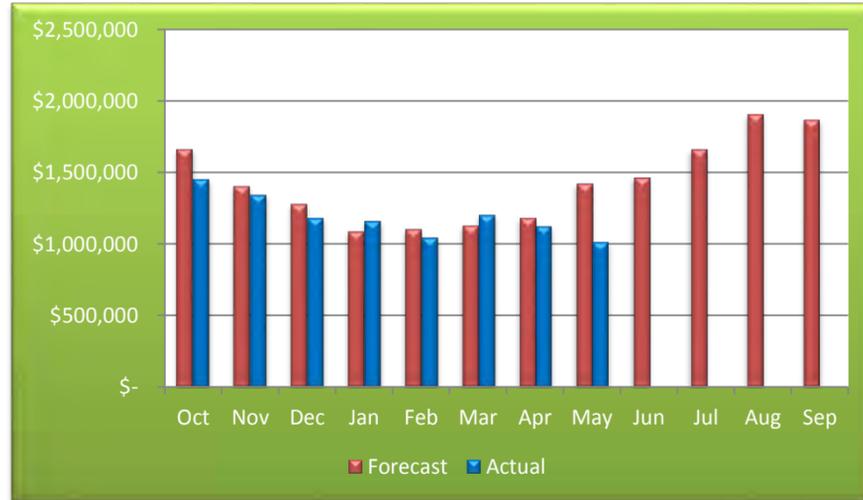


**CITY OF ROWLETT, TEXAS  
FINANCIAL STATUS DASHBOARD  
May 31, 2015**

**REVENUE ANALYSIS**

**WATER REVENUES FY2015**

Month	2015 Forecast	2015 Actual	Monthly Variance
Oct	\$ 1,660,832	\$ 1,451,221	\$ (209,611)
Nov	1,404,552	1,343,838	(60,714)
Dec	1,278,675	1,182,809	(95,866)
Jan	1,089,930	1,162,524	72,594
Feb	1,103,674	1,045,383	(58,291)
Mar	1,128,991	1,203,771	74,779
Apr	1,182,373	1,126,605	(55,768)
May	1,420,637	1,017,128	(403,509)
Jun	1,463,637		
Jul	1,662,155		
Aug	1,906,674		
Sep	1,868,487		
<b>Total</b>	<b>\$ 17,170,618</b>	<b>\$ 9,533,279</b>	<b>\$ (736,386)</b>
<b>Actual to Forecast</b>			<b>-7.2%</b>



**Negative**

Water sales represent just over 50% of the total Utility Fund budget and cover the cost of water acquisition from the North Texas Municipal Water District. Water revenues are 7.2% less than forecasted for this time of year.

**REVENUE ANALYSIS**

**WATER USAGE FY2015**

Month	2015 Forecast	2015 Actual	Monthly Variance
Oct	232,649	212,743	(19,906)
Nov	165,375	155,467	(9,908)
Dec	159,987	121,571	(38,416)
Jan	114,863	117,372	2,509
Feb	90,864	106,758	15,894
Mar	133,224	103,031	(30,193)
Apr	139,785	120,442	(19,343)
May	155,805	111,168	(44,637)
Jun	213,518		
Jul	300,529		
Aug	338,135		
Sep	287,959		
<b>Total</b>	<b>2,332,694</b>	<b>1,048,552</b>	<b>(144,001)</b>
<b>Actual to Forecast</b>			<b>-12.1%</b>

(IN THOUSAND GALLONS)



**Negative**

The City purchases its water from the North Texas Municipal Water District. Customer usage is 12.1% lower than forecasted for this time of the year. The contract with NTMWD requires the City to pay for a minimum of 3.2 billion gallons of water per year.



**CITY OF ROWLETT, TEXAS  
FINANCIAL STATUS DASHBOARD  
May 31, 2015**

**OVERALL FUND PERFORMANCE**

**REFUSE FUND REVENUES VS EXPENSES FY2015**

Month	2015 Revenue	2015 Expenses	Monthly Variance
Oct	402,012	389,513	\$ 12,499
Nov	402,813	408,017	(5,204)
Dec	414,147	393,290	20,857
Jan	410,278	396,377	13,901
Feb	411,625	371,957	39,668
Mar	411,625	371,957	39,668
Apr	407,277	396,813	10,464
May	411,116	397,536	13,580
Jun	-	-	-
Jul	-	-	-
Aug	-	-	-
Sep	-	-	-
<b>Total</b>	<b>\$ 3,270,893</b>	<b>\$ 3,125,460</b>	<b>\$ 145,433</b>
<b>Cumulative Forecast</b>	<b>\$ 3,132,752</b>	<b>\$ 3,104,821</b>	<b>\$ 27,931</b>
<b>Actual to Forecast \$</b>	<b>\$ 138,140</b>	<b>\$ 20,638</b>	<b>\$ 117,502</b>
<b>Actual to Forecast</b>	<b>4.4%</b>	<b>0.7%</b>	



Positive

The Refuse Fund accounts for monies collected from customers on their utility bills and remitted to our solid waste provider. Revenues are currently 4.4% higher than forecasted, and expenses are 0.7% higher than forecasted.

**OVERALL FUND PERFORMANCE**

**DRAINAGE FUND REVENUES VS EXPENSES FY2015**

Month	2015 Revenue	2015 Expenses	Monthly Variance
Oct	110,599	67,145	\$ 43,454
Nov	111,354	72,873	38,481
Dec	111,572	66,014	45,558
Jan	112,079	67,593	44,486
Feb	111,715	205,389	(93,674)
Mar	111,715	205,389	(93,674)
Apr	111,925	83,177	28,749
May	112,284	76,064	36,220
Jun	-	-	-
Jul	-	-	-
Aug	-	-	-
Sep	-	-	-
<b>Total</b>	<b>\$ 893,243</b>	<b>\$ 843,644</b>	<b>\$ 49,599</b>
<b>Cumulative Forecast</b>	<b>\$ 897,963</b>	<b>\$ 900,216</b>	<b>\$ (2,253)</b>
<b>Actual to Forecast \$</b>	<b>\$ (4,721)</b>	<b>\$ (56,572)</b>	<b>\$ 51,852</b>
<b>Actual to Forecast</b>	<b>-0.5%</b>	<b>-6.3%</b>	



Positive

The Drainage Fund accounts for monies collected from customers on their utility bills for the municipal drainage system. Cumulatively overall, the fund is better than forecasted for this time of the year, with revenues 0.5% lower than forecasted but expenses 6.3% lower than forecasted.

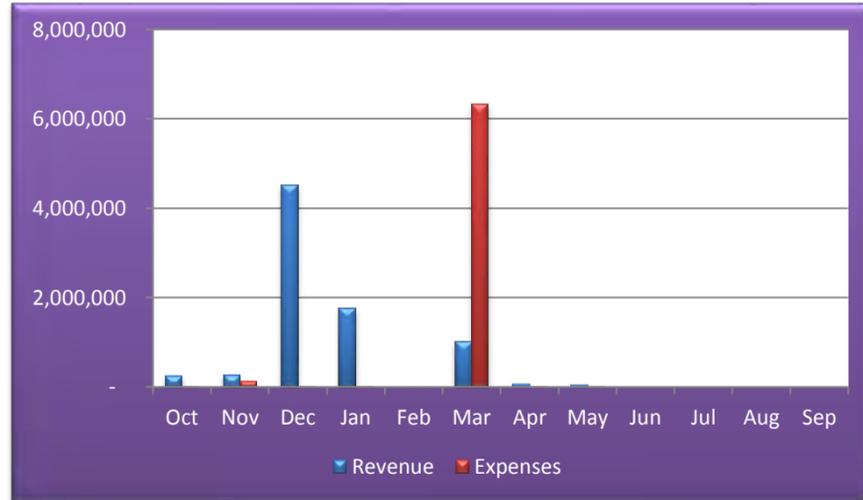


**CITY OF ROWLETT, TEXAS  
FINANCIAL STATUS DASHBOARD  
May 31, 2015**

**OVERALL FUND PERFORMANCE**

**DEBT SERVICE FUND REVENUES VS EXPENSES FY2015**

Month	2015 Revenue	2015 Expenses	Monthly Variance
Oct	249,127	10,468	\$ 238,659
Nov	261,982	129,846	132,136
Dec	4,512,111	7,928	4,504,183
Jan	1,753,063	11,311	1,741,752
Feb	-	-	-
Mar	1,020,513	6,324,674	(5,304,161)
Apr	62,873	2,108	60,765
May	43,688	633	43,055
Jun	-	-	-
Jul	-	-	-
Aug	-	-	-
Sep	-	-	-
<b>Total</b>	<b>\$ 7,903,357</b>	<b>\$ 6,486,968</b>	<b>\$ 1,416,389</b>
<b>Cumulative Forecast</b>	<b>\$ 7,399,343</b>	<b>\$ 6,501,371</b>	<b>\$ 897,972</b>
<b>Actual to Forecast \$</b>	<b>\$ 504,013</b>	<b>\$ (14,403)</b>	<b>\$ 518,417</b>
<b>Actual to Forecast</b>	<b>6.8%</b>	<b>-0.2%</b>	



**Positive**

General Debt Service Fund is used to pay principal and interest on tax-supported debt. Overall, the fund is better than forecasted, with revenues 6.8% higher than projected and expenses 0.2% lower than expected. The fund pays conduit debt in November and makes other semi-annual debt payments in February and August.

**OVERALL FUND PERFORMANCE**

**EMPLOYEE HEALTH BENEFITS FUND REVENUES VS EXPENSES FY2015**

Month	2015 Revenue	2015 Expenses	Monthly Variance
Oct	419,181	447,218	\$ (28,037)
Nov	291,239	249,946	41,293
Dec	354,624	332,130	22,494
Jan	358,108	202,278	155,830
Feb	-	-	-
Mar	722,118	579,468	142,649
Apr	724,226	704,687	19,539
May	-	-	-
Jun	-	-	-
Jul	-	-	-
Aug	-	-	-
Sep	-	-	-
<b>Total</b>	<b>\$ 2,869,495</b>	<b>\$ 2,515,728</b>	<b>\$ 353,767</b>
<b>Cumulative Forecast</b>	<b>\$ 2,936,745</b>	<b>\$ 2,891,682</b>	<b>\$ 45,063</b>
<b>Actual to Forecast \$</b>	<b>\$ (67,250)</b>	<b>\$ (375,954)</b>	<b>\$ 308,705</b>
<b>Actual to Forecast</b>	<b>-2.3%</b>	<b>-13.0%</b>	



**Positive**

Employee Health Benefits Fund accounts for all health related claims paid from the City's partial self-insured fund. Overall, revenues are 2.3% lower than forecasted and expenses are 13.0% lower than forecasted. Revenues reflect lower than expected premium payments due to vacancies and plan choices, and expenses are lower than forecasted due to lower than expected claims.



**City of Rowlett**  
**Staff Report**

4000 Main Street  
P.O. Box 99  
Rowlett, TX 75030-0099  
[www.rowlett.com](http://www.rowlett.com)

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**AGENDA DATE:** 07/07/15

**AGENDA ITEM:** 5C

**TITLE**

Update from the City Council and Management: Financial Position, Major Projects, Operational Issues, Upcoming Dates of Interest and Items of Community Interest.

**STAFF REPRESENTATIVE**

Brian Funderburk, City Manager



**City of Rowlett**  
**Staff Report**

4000 Main Street  
P.O. Box 99  
Rowlett, TX 75080-0099  
www.rowlett.com

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**AGENDA DATE:** 07/07/15

**AGENDA ITEM:** 7A

**TITLE**

Consider action to approve minutes from the June 9, 2015, City Council Work Session and June 16, 2015, City Council Regular Meeting.

**STAFF REPRESENTATIVE**

Laura Hallmark, City Secretary

**SUMMARY**

Section 551.021 of the Government Code provides as follows:

- (a) A governmental body shall prepare and keep minutes or make a tape recording of each open meeting of the body.
- (b) The minutes must:
  - (1) state the subject of each deliberation; and
  - (2) indicate each vote, order, decisions or other action taken.

**RECOMMENDED ACTION**

Move to approve, amend or correct the minutes for the June 9, 2015, City Council Work Session and June 16, 2015, City Council Regular Meeting.

**ATTACHMENTS**

06-09-15 City Council Work Session Minutes  
06-16-15 City Council Meeting Minutes



# City of Rowlett

## Work Session Minutes

### City Council

4000 Main Street  
Rowlett, TX 75088  
www.rowlett.com

*City of Rowlett City Council meetings are available to all persons regardless of disability. If you require special assistance, please contact the City Secretary at 972-412-6115 or write 4000 Main Street, Rowlett, Texas, 75088, at least 48 hours in advance of the meeting.*

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Tuesday, June 9, 2015

5:30 P.M.

Annex Building – 4004 Main Street

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As authorized by Section 551.071 of the Texas Government Code, this meeting may be convened into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item herein.

The City of Rowlett reserves the right to reconvene, recess or realign the Regular Session or called Executive Session or order of business at any time prior to adjournment.

**Council Present:** Mayor Pro Tem Gallops, Deputy Mayor Pro Tem Dana-Bashian, Councilmember Bobbitt, Councilmember Sheffield and Councilmember Pankratz

**Council Absent:** Mayor Gottel and Councilmember van Bloemendaal

**1. CALL TO ORDER**

Mayor Pro Tem Gallops called the meeting to order at 5:32 p.m.

**2. WORK SESSION**

**2A.** Discuss creation of a Library Visioning Task Force and selection of members. (30 minutes)

Kathy Freiheit, Director of Library Services, outlined the Library Visioning Task Force proposal including voting membership, ex-officio membership and a proposed timeline for their duties.

Council discussion regarding survey processes, focusing on the future and not just the Village of Rowlett location, evaluating hours of operation and products and service.

Brian Funderburk, City Manager, commented that it's good to energize a group that's passionate about the library and clarified that this would be a vision of what the library would look like and not just the space in which it is located.

**2B.** Discuss Fiscal Impact Model. (45 minutes)

Marc Kurbansade, Director of Development Services, outlined the discussion: its purpose, limitations, model inputs, and model outputs. He reviewed the benefits and limitations of the model and its ability to compare alternate development scenarios and their respective fiscal impacts. He provided examples of information input and output. Council asked that office development also be included in the model.

- 2C.** Discuss and receive direction from City Council regarding proposed text amendments to the Rowlett Development Code as it pertains to Landscaping. (30 minutes)

Mr. Kurbansade outlined the proposed changes prompted by utility regulations by the Federal Energy Regulatory Commission. Barry Young with Oncor, outlined the changes required for overhead utilities and utility easements. Mr. Kurbansade also outlined proposed changes to the compatibility buffer, internal landscaping, and irrigation and maintenance. It was the consensus of Council to consider these changes at an upcoming regular meeting.

- 2D.** Discuss the Bond Election Project Priorities and 3 Year Schedule. (30 minutes)

Jim Proce, Assistant City Manager, reviewed the bond package amounts and issues relating to the proposed schedule as submitted by the CIP Task Force. After further discussion, it was the consensus of Council to move the sidewalk connections to the first year of the schedule.

**TAKE ANY NECESSARY OR APPROPRIATE ACTION ON CLOSED/EXECUTIVE SESSION MATTERS**

**3. ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:29 p.m.



# City of Rowlett

## Meeting Minutes

### City Council

4000 Main Street  
Rowlett, TX 75088  
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Tuesday, June 16, 2015

5:45 P.M.

Municipal Building – 4000 Main Street

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As authorized by Section 551.071 of the Texas Government Code, this meeting may be convened into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item herein.

The City of Rowlett reserves the right to reconvene, recess or realign the Regular Session or called Executive Session or order of business at any time prior to adjournment.

**Present:** Mayor Gottel, Deputy Mayor Pro Tem Dana-Bashian, Councilmember Bobbitt, Councilmember Pankratz, Councilmember van Bloemendaal and Councilmember Sheffield

**Absent:** Mayor Pro Tem Gallops

**1. CALL TO ORDER**

Mayor Gottel called the meeting to order at 5:45 p.m.

**2. EXECUTIVE SESSION**

*There are no items for this session.*

**3. WORK SESSION (5:45 P.M.)** \* Times listed are approximate.

- 3A.** Discuss authorizing the issuance and sale of City of Rowlett, Texas General Obligation Refunding and Improvement Bonds, Waterworks and Sewer System Refunding and Improvement Bonds, both Series 2015, and discussing the future potential sale of Certificates of Obligation. (30 minutes)

This item was discussed second and then continued in numbered order.

Wendy Badgett, Interim Finance Director, reviewed the different bonds that will be sold. August 15, 2015, has been slated for the close on the bond sale.

- 3B.** Discuss an amendment for the extension of the completion of construction period in the Economic Development Program Agreement with 3840 Main LLC for property located at 3840 Main Street. (15 minutes)

Jim Grabenhorst, Director of Economic Development, presented information on the reasoning for the extension request.

- 3C.** Discuss the appointment of a Charter Review Commission under Sections 12.02, 12.03 and 12.04 of the City of Rowlett Home Rule Charter. (15 minutes)

Jim Proce, Assistant City Manager, provided Councilmembers with the list of names submitted by Council for appointment. Councilmembers will make their selections for seven members and two alternates from the list, which will be considered individually during the regular meeting.

- 3D.** Discuss short and long term needs for seniors with the Senior Advisory Board. (30 minutes)

This item was discussed first due to several members of the Senior Advisory Board (SAB) in attendance.

Deputy Mayor Pro Tem Dana-Bashian commented on the task put forth to the SAB in assessing resources for short and long-term goals. Angie Smith, Recreation Division Manager, along with Della Vickers, SAB Chair, provided information on surrounding communities' senior programs. They provided a list of priorities generated from surveys of Rowlett seniors. Some short-term goals were: transportation, part-time Senior Coordinator, handicapped and easy accessibility to the Community Centre. Long-term goals included: a dedicated Senior Center and a full-time Senior Coordinator for it. Funding requests for fiscal year 2017 included a part-time Senior Coordinator and an interlocal agreement with STAR to provide transportation to the Rowlett Community Centre and to provide day trips. Council further tasked the SAB with how to conduct senior outreach to increase the number of participants in the senior programming.

- 3E.** Discuss the property transfer from the City of Rowlett to TxDOT for the PGBT service roads. (10 minutes)

Robbin Webber, Assistant Director of Public Works, explained the history and process behind this transfer.

**4. DISCUSS CONSENT AGENDA ITEMS**

Council took a short break at 7:21 p.m.

**CONVENE INTO THE COUNCIL CHAMBERS (7:30 P.M.)\***

Council reconvened at 7:30 p.m.

**INVOCATION** – Stephen Leatherwood, Chaplain – RPD/RFD

**PLEDGE OF ALLEGIANCE**

**TEXAS PLEDGE OF ALLEGIANCE** – Led by the City Council

**5. PRESENTATIONS AND PROCLAMATIONS**

- 5A.** Presentation of Certificate of Recognition to Brooke Schmidt for winning the Miss Ouachita Baptist University Pageant.

Councilmember Pankratz presented the certificate.

- 5B.** Presentation of Life Saving award to Officer Vedran Nusic.

Mike Brodnax, Police Chief, presented the award.

- 5C.** Update from the City Council and Management: Financial Position, Major Projects, Operational Issues, Upcoming Dates of Interest and Items of Community Interest.

Mayor Gottel announced the following: Council Meetings - next regular council meetings will be held on Tuesday, July 7<sup>th</sup> and 21<sup>st</sup>. Annual Council Retreat will be held on Friday & Saturday, July 10<sup>th</sup> & 11<sup>th</sup>; location to be determined. Special Work Session will be held Tuesday, July 14<sup>th</sup> in the Annex Conference Room. P & Z Meetings – Tuesday, June 23<sup>rd</sup> – held in the City Hall Conference Room at 6pm. Mosquito season - The City contracts with Dallas County for testing, abatement and spraying for all of Rowlett (portion in Rockwall County too). Be proactive to help in the fight – practice the four D’s: Dress, Deet, Drain, Dusk & Dawn. City of Rowlett providing “dunks” for free at the Development Services building located at 3901 Main Street, 8am to 5pm Monday thru Friday (first come, first served basis). Rowlett library - Reminder!! The library is now open and ready for you to visit them at their new location: 5702 Rowlett Road. Upcoming events: Summer Reading Program – runs from June 8<sup>th</sup> through July 31<sup>st</sup>. There are so many activities throughout the program, check with the library for a complete listing. For more information on any of the reading programs, stop by the reference desk or call 972-412-6161. Parks and Recreation - Upcoming events: Fireworks at Bayside! Saturday, July 4<sup>th</sup> from 6 – 10pm; headliner: Sister Sledge. Food and fun – all your favorite festival foods and lots of activities for the kids. Wet Zone is open and offers hours of fun for your family! Visit [wetzonewaterpark.com](http://wetzonewaterpark.com) for more information about prices and hours of operation. Check out Camp Rowlett – summer fun in your own hometown! Utility billing - reminder – Mint Bills – a new and convenient way to pay your Rowlett utility bill – download the app for free. Pay utility bill with all major credit cards, including American Express. Customers currently using Netbill for recurring payments will have until July 1<sup>st</sup> to migrate over to Mint Bills. Rowlett Chamber of Commerce Freedom 5k - register now for the “freedom 5k on main”. \$25 for adults & \$10 for kids 12 & under; prices go up after June 19<sup>th</sup>. Register up-to and on the day of race. Held on Saturday, July 4<sup>th</sup> starting at 7:45am for the 1 mile fun run and 8am for the 5k. Activities for seniors: Father’s Day Breakfast - Wednesday, June 17<sup>th</sup>, 8:30am at the RCC. \$3 per person. Seniors AT&T Stadium Tour, Wednesday, June 24<sup>th</sup>, 10am – 2pm. \$20 per person. AARP safe driver class, call 972.412.6170 for date & time. Senior potluck lunch social, second Thursday of the month; 11:30am at RCC. July 9<sup>th</sup> and August 13<sup>th</sup> – next lunches. Animal shelter - next low cost vaccine clinic at animal shelter – Saturday, June 20<sup>th</sup>, 1 – 3pm. Shelter is open Monday – Saturday, 10am – 5pm.

Animal Control Officer, Monica Patterson, brought Peaches – a sweet Rottweiler mix 6yo spayed female, who is available for adoption at the Animal Shelter. Councilmember van Bloemendaal offered to sponsor the \$25 adoption fee in memory of his dog, Peaches.

Councilmember Bobbitt commented on the Flag Day event that she and Mayor Gottel attended at a Senior living facility in Rowlett on Sunday. The Rowlett Fire Honor Guard posted colors for the event.

**6. CITIZENS' INPUT**

There were no speakers.

**7. CONSENT AGENDA**

- 7A.** Consider action to approve minutes from the June 2, 2015, City Council Regular Meeting.

**This item was approved on the Consent Agenda.**

- 7B.** Consider action to adopt an ordinance adopting and enacting Supplement Number 15, Volume I and Volume II, dated March 2015, to the Code of Ordinances.

**This item was approved as ORD-023-15 on the Consent Agenda.**

- 7C.** Consider action to approve a resolution amending the Economic Development Program Agreement with 3840 Main LLC for the extension of the completion of construction period to March 31, 2016 and authorizing the City Manager, after City Attorney approval, to execute the necessary documents for said amendment.

**This item was approved as RES-071-15 on the Consent Agenda.**

- 7D.** Consider action to approve a resolution authorizing the final acceptance and release of retainage for the Alley Reconstruction Project in the amount of \$107,596.64 to Camino Construction, L.P. and authorize the Mayor to execute the necessary documents for said services.

**This item was approved as RES-072-15 on the Consent Agenda.**

- 7E.** Consider action to accept the bid of and award a contract to Freightliner of Austin for the purchase of a VAC CON V311LHA 1300 sewer vacuum truck in the amount of \$315,892.75 through the Interlocal Cooperative Purchasing Agreement with the Texas Local Government Purchasing Cooperative (BuyBoard), Contract #430-13.

**This item was approved as RES-073-15 on the Consent Agenda.**

- 7F.** Consider action to accept the bid of and award a contract to Rush Truck Center for the purchase of a sanitary sewer camera truck in the amount of \$289,600.00 through the Interlocal Cooperative Purchasing Agreement with the Texas Local Government Purchasing Cooperative (BuyBoard), Contract #430-13.

**This item was approved as RES-074-15 on the Consent Agenda.**

- 7G.** Consider action to approve a resolution accepting the bid of and awarding a contract to Tri-Con Services in the amount of \$365,000 for the total base bid plus up to \$15,000 for an early completion bonus and a ten percent contingency of \$38,000, resulting in a total project amount of \$418,000 for the 16-Inch Waterline Along Main Street West of Kirby Road (PGBT) Project and authorize the Mayor to execute the necessary documents for said services.

**This item was approved as RES-075-15 on the Consent Agenda.**

- 7H.** Consider action to accept the bid of and award a contract to Volvo & Mack Trucks of Waco for the purchase of a Mack CHU613, 12-yard dump truck in the amount of \$129,810.70 for the Utilities Division through the Interlocal Cooperative Purchasing Agreement with the Texas Local Government Purchasing Cooperative (BuyBoard), Contract #430-13.

**This item was approved as RES-076-15 on the Consent Agenda.**

- 7I.** Consider action to approve a resolution accepting the bid of and awarding a contract for the purchase of a S750 Bobcat Skid Steer Loader to Bobcat of Dallas in the amount of \$45,017.33 for the Fleet Services Division through the Interlocal Purchasing Agreement with Texas Local Government Purchasing Cooperative (BuyBoard), Contract #454-13.

**This item was approved as RES-077-15 on the Consent Agenda.**

- 7J.** Consider action to approve a resolution accepting the bid of and awarding contracts for the purchase of three (3) Crew Cab Dodge Ram 5500 with dump bed (\$163,401.00); one (1) Crew Cab Dodge Ram 2500 with air compressor (\$46,668.00); one (1) Mega Dodge Ram 3500 (\$45,350.00); and three (3) Regular Cab Dodge Ram 2500 with utility bed (\$122,615.01) to Freedom—CDJR for a total amount of \$378,034.01 for the Fleet Department through the Interlocal Cooperative Purchasing Agreement with Houston-Galveston area council (H-GAC), Contracts #VE11-13 & #HT06-14.

**This item was approved as RES-078-15 on the Consent Agenda.**

- 7K.** Consider action to approve a resolution accepting the bid of and awarding a contract to Whitney Bank in the amount of \$773,825.15, utilizing an interest rate of 1.632 percent for the seven year lease-purchase financing of three trucks for Public Works & Utilities and authorizing the City Manager, after City Attorney approval, to execute the necessary documents for said purchase.

**This item was approved as RES-079-15 on the Consent Agenda.**

- 7L.** Consider and take action on an Alternative Landscape Plan for Sprouts located at 2801 Lakeview Parkway, further described as a 12.608-acre tract of land from the Reason Crist Survey, Abstract No. 225 and the U. Matthusen Survey, Abstract No. 1017, City of Rowlett, Dallas County, Texas. (DP14-736).

**This item was approved as RES-080-15 on the Consent Agenda.**

- 7M.** Consider action to approve a resolution approving the sale of parcels 8/8E/8TE/26 and 53 to TxDOT and City of Rowlett regarding a portion of the Eastern Extension of the President George Bush Turnpike and authorize the Mayor to execute the necessary documents for said transaction.

**This item was approved as RES-081-15 on the Consent Agenda.**

**Passed the Consent Agenda**

**A motion was made by Councilmember Sheffield, seconded by Councilmember Bobbitt, including all the preceding items marked as having been approved on the Consent Agenda. The motion carried with a unanimous vote of those members present.**

**8. ITEMS FOR INDIVIDUAL CONSIDERATION**

- 8A.** Conduct a public hearing and consider action to adopt an ordinance terminating and dissolving the Tax Increment Financing Reinvestment Zone Number One.

Mr. Grabenhorst provided the background information on this item. The public hearing opened and closed with no speakers.

**A motion was made by Councilmember Sheffield, seconded by Deputy Mayor Pro Tem Dana-Bashian, to table the item. The motion carried with a unanimous vote of those members present.**

- 8B.** Consider action to approve a resolution to appoint a Charter Review Commission under Sections 12.02, 12.03 and 12.04 of the City of Rowlett Home Rule Charter.

Mr. Proce provided Councilmembers with the list of names Council had selected.

**A motion was made by Deputy Mayor Pro Tem Dana-Bashian, seconded by Councilmember Sheffield, to approve the list of appointees: Regular Members: Deb Shinder, Whitney Laning, Pam Liston, Martha Brown, Leisa Oleson Peebles, Thomas Finney, Ray Kneggs; Alternate Members: Bruce Mahnken and Dan Pence. The motion carried with a unanimous vote of those members present. This item was adopted as RES-082-15.**

**A motion was made by Councilmember Pankratz, seconded by Deputy Mayor Pro Tem Dana-Bashian to appoint Councilmember Bobbitt as the Council liaison to the Charter Review Commission. The motion carried with a vote of 5 members in favor and 1 abstention (Bobbitt).**

**TAKE ANY NECESSARY OR APPROPRIATE ACTION ON CLOSED/EXECUTIVE SESSION MATTERS**

There was no action taken.

**9. ADJOURNMENT**

Mayor Gottel adjourned the meeting at 8:17 p.m.



City of Rowlett  
Staff Report

4000 Main Street  
P.O. Box 99  
Rowlett, TX 75080-0099  
www.rowlett.com

**AGENDA DATE:** 07/07/15

**AGENDA ITEM:** 7B

**TITLE**

Consider a resolution rejecting bids for roadway improvements for the Right Turn Lane Project at State Highway 66 (Lakeview Parkway) and President George Bush Turnpike (PGBT) Northbound Frontage Road and authorizing staff to re-bid the project.

**STAFF REPRESENTATIVE**

Tim Rogers, Director of Public Works  
Robbin Webber, Assistant Director of Public Works  
Allyson Wilson, Purchasing Agent

**SUMMARY**

This project consists of the construction of an approximately 360 linear feet right turn lane at the intersection of State Highway 66 (Lakeview Parkway) and President George Bush Turnpike (PGBT) Northbound Frontage Road.

**BACKGROUND INFORMATION**

Notice to Bidders was published in the *Rowlett Lakeshore Times* as well as posted on the City website on June 4 & 11, 2014. A Pre-Bid Meeting was not held for this project. Sealed bids were received in the Purchasing Office until 2:00 PM, June 18, 2015, and then publicly opened and read aloud in the City Annex Conference Room, 4004 Main Street, Rowlett, Texas 75088 in accordance with Texas Local Government Code.

Bids were received from one bidder, Pavecon LTD, in the amount of \$347,309.25 (see Exhibit A).

**DISCUSSION**

All City projects are compared based on the last previous bids and our Consultant uses Value Engineering to determine the estimate for this type of work. In addition, a comparison is done with TxDOT Average Low Bid Unit Prices for the Dallas area.

Upon completion of the assessment, City staff and Lee Engineering, LLC (consulting engineer) has reviewed the bid proposal and recommends rejection of the bid due to the fact that only one bid was received and it was over 29 percent higher (\$347,309.25) than the Engineer's Opinion of Probable Cost (EOPC). The EOPC is \$267,807.60. The low bid is cost-prohibitive due to the lack of participation.

Due to the lack of participation of bids for this project, staff wants to re-bid in order to receive more competitive pricing and multiple bids. Occasionally, projects are put out for bids at the same time

as others in the metroplex, and potential contractors must make a decision as to which ones to bid. These other projects compete with our postings.

This project was advertised twice, giving contractors a maximum of two weeks to compile the information needed to prepare for the bid opening. Staff intends to extend the timeframe of the bid advertisement to ensure adequate time is available for bid preparation.

Typically, Bid Sync, Demand Star, and other plan rooms also pick up the bid ad notices and forward to their clients/contractors. The consultant will also reach out to additional contractors, ensuring awareness of the bid advertisement for this project.

Giving the extended timeframes and making contact with the additional contractors will increase the potential for more bidders; therefore a more competitive price. Although funds are available in the FY 2015 Budget for this bid, staff has made the assessment and wants to ensure the City gets the best competitive price for this project.

#### **FINANCIAL/BUDGET IMPLICATIONS**

Funding in the amount of \$670,000.00 was approved in the FY2015 Cash CIP in Project Code ST2052, Concrete Street Rehabilitation Project, account #3028002-6701 for this project. The current available balance as of June 25, 2015 is \$460,507.31;

<b>Project Code</b>	<b>Project Title</b>	<b>YTD Project Balance</b>
ST2052	Concrete Street Rehabilitation Project	\$460,507.31

#### **RECOMMENDED ACTION**

City staff recommends the City Council adopt a resolution rejecting the bids for the Roadway Improvements on President George Bush Turnpike (PGBT) Northbound Frontage Road and State Highway 66 (Lakeview Parkway) Right Turn Lane Project; authorizing staff to re-bid the project.

#### **RESOLUTION**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS, REJECTING ALL BIDS FOR THE RIGHT TURN LANE PROJECT AT STATE HIGHWAY 66 (LAKEVIEW PARKWAY) AND PRESIDENT GEORGE BUSH TURNPIKE (PGBT) NORTHBOUND FRONTAGE ROAD AS PER BID DOCUMENTS NUMBER 2015-67; AUTHORIZING STAFF TO REBID THE PROJECT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, it is desired to reject the bids received for the Roadway Improvements on President George Bush Turnpike (PGBT) Northbound Frontage Road and State Highway 66 (Lakeview Parkway) Right Turn Lane Project for the City of Rowlett as per Bid No. 2015-67; and

**WHEREAS**, the Public Works Department has obtained competitive bids and recommends the rejection of the Roadway Improvements on President George Bush Turnpike

(PGBT) Northbound Frontage Road and State Highway 66 (Lakeview Parkway) Right Turn Lane Project bids as per Bid No. 2015-67; and

**WHEREAS**, the City of Rowlett staff desires the opportunity to ensure competitive pricing; and

**WHEREAS**, the City Council of the City of Rowlett, Texas desires to reject the bids received as per Bid No. 2015-67 and to authorize City staff to re-bid.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS:**

**Section 1:** That the City Council of the City of Rowlett does hereby reject the bids received for the Right Turn Lane Project Bid No. 2015-67 for roadway improvements on State Highway 66 (Lakeview Parkway) at President George Bush Turnpike (PGBT) Northbound Frontage Road and authorizes City staff to rebid the project to ensure competitive pricing.

**Section 2:** This resolution shall become effective immediately upon its passage.

**ATTACHMENT**

Exhibit A – Bid Tabulation

**ROADWAY IMPROVEMENTS AND TRAFFIC SIGNAL MODIFICATION  
CITY OF ROWLETT 2015-67  
BID OPENING: JUNE 18, 2015 @ 2:00 PM**

Bid No.	Item No.	Description	Unit	Plan Quantity	Bid Quantity	PaveCon	
						Unit Cost	Total Cost
1	104	REMOVING CONC (PAV)	SY	143	160	\$32.11	\$5,137.60
2	104	REMOVING CONC (CURB AND GUTTER)	LF	450	500	\$20.19	\$10,095.00
3	110	EXCAVATION (ROADWAY)	CY	655	680	\$35.30	\$24,004.00
4	132	EMBANKMENT (FINAL) (ORD COMP) (TYP C)	CY	352	380	\$35.30	\$13,414.00
5	162	BLOCK SODDING	SY	290	300	\$7.75	\$2,325.00
6	260	LIME (HYD) (SLRY)	TON	20	25	\$221.00	\$5,525.00
7	260	LIME TRT (NEW BASE) (10")	SY	715	750	\$43.70	\$32,775.00
8	340	D-GR HMA(METH) TY-B PG 64-22	TON	165	180	\$138.30	\$24,894.00
9	360	CONC PVMT (CONT REINF-CRCP) (10")	SY	510	520	\$152.30	\$79,196.00
10	416	DRILL SHAFT (TRF SIG POLE) (36 IN)	LF	13	15	\$258.75	\$3,881.25
11	464	RC PIPE (CL III) (18 IN)	LF	12	20	\$267.08	\$5,341.60
12	465	INLET EXTENSION (TYPE E)	EA	1	1	\$3,424.07	\$3,424.07
13	465	INLET (COMPLETE) (TYPE C)	EA	1	1	\$5,752.43	\$5,752.43
14	496	REMOVE STR (INLET)	EA	1	1	\$1,301.15	\$1,301.15
15	500	MOBILIZATION	LS	1	1	\$17,000.00	\$17,000.00
16	502	BARRICADES, SIGNS & TRAFFIC HANDLING	MO	3	3	\$2,073.00	\$6,219.00
17	506	SANDBAGS FOR EROSION CONTROL	EA	40	50	\$17.25	\$862.50
18	506	TEMPORARY SEDIMENT CONTROL FENCE (INSTALL)	LF	463	500	\$3.45	\$1,725.00
19	506	TEMPORARY SEDIMENT CONTROL FENCE (REMOVE)	LF	463	500	\$2.52	\$1,260.00
20	529	CONC CURB (MONO) (TY II)	LF	470	500	\$36.00	\$18,000.00
21	531	CONC SIDEWALKS (4")	SY	14	15	\$137.00	\$2,055.00
22	531	CURB RAMPS (TY 7)	EA	2	2	\$1,250.00	\$2,500.00
23	620	ELEC CONDUCTOR (NO. 8) INSULATED	LF	1,654	1,700	\$2.30	\$3,910.00
24	620	ELEC CONDUCTOR (NO. 6) BARE	LF	231	240	\$2.30	\$552.00
25	644	INS SM RD SN SUP & AM TYP10BWG(1) SB(P-BM)	EA	2	1	\$718.75	\$718.75
26	644	REMOVE SM RD SN SUP & AM	EA	2	2	\$862.50	\$1,725.00
27	662	WK ZN PAV MRK SHT TERM (TAB) TY W	EA	162	200	\$5.75	\$1,150.00
28	666	REFL PAV MRK TY I (W) 4" (BRK) (100 MIL)	LF	506	520	\$1.27	\$660.40
29	666	REFL PAV MRK TY I (W) 4" (SLD) (100 MIL)	LF	902	930	\$1.27	\$1,181.10
30	666	REFL PAV MRK TY I (W) 8" (DOT) (100 MIL)	LF	30	40	\$2.30	\$92.00
31	666	REFL PAV MRK TY I (W) 8" (SLD) (100 MIL)	LF	180	200	\$2.30	\$460.00
32	666	REFL PAV MRK TY I (W) 12" (SLD) (100 MIL)	LF	365	380	\$4.60	\$1,748.00
33	666	REFL PAV MRK TY I (W) 24" (SLD) (100 MIL)	LF	65	80	\$8.05	\$644.00
34	666	REFL PAV MRK TY I (W) (ARROW) (100 MIL)	EA	6	6	\$172.50	\$1,035.00
35	666	REFL PAV MRK TY I (W) (WORD) (100 MIL)	EA	2	2	\$172.50	\$345.00
36	666	REFL PAV MRK TY II (W) 4" (BRK)	LF	506	520	\$0.18	\$93.60
37	666	REFL PAV MRK TY II (W) 4" (SLD)	LF	902	930	\$0.18	\$167.40
38	666	REFL PAV MRK TY II (W) 8" (DOT)	LF	30	40	\$1.15	\$46.00
39	666	REFL PAV MRK TY II (W) 8" (SLD)	LF	180	200	\$0.29	\$58.00
40	666	REFL PAV MRK TY II (W) 12" (SLD)	LF	365	380	\$0.58	\$220.40
41	666	REFL PAV MRK TY II (W) 24" (SLD)	LF	65	80	\$1.15	\$92.00
42	666	REFL PAV MRK TY II (W) ARROW	EA	6	6	\$28.75	\$172.50
43	666	REFL PAV MRK TY II (W) WORD	EA	2	2	\$28.75	\$57.50
44	672	REFL PAV MRKR (TY I-C)	EA	12	15	\$28.75	\$431.25
45	677	ELIM EXT PAV MRK & MRKS (4")	LF	1,386	1,420	\$4.60	\$6,532.00
46	677	ELIM EXT PAV MRK & MRKS (12")	LF	340	360	\$9.20	\$3,312.00
47	677	ELIM EXT PAV MRK & MRKS (24")	LF	53	60	\$11.50	\$690.00
48	677	ELIM EXT PAV MRK & MRKS (ARROW)	EA	4	4	\$345.00	\$1,380.00
49	678	PAV SURF PREP FOR MRK (4")	LF	1,408	1,450	\$0.12	\$174.00
50	678	PAV SURF PREP FOR MRK (8")	LF	210	240	\$0.29	\$69.60
51	678	PAV SURF PREP FOR MRK (12")	LF	365	380	\$0.58	\$220.40
52	678	PAV SURF PREP FOR MRK (24")	LF	65	80	\$1.15	\$92.00
53	678	PAV SURF PREP FOR MRK (ARROW)	EA	6	6	\$28.75	\$172.50
54	678	PAV SURF PREP FOR MRK (WORD)	EA	2	2	\$28.75	\$57.50
55	680	INSTALL HWY TRAF SIG (ISOLATED)	EA	1	1	\$13,625.00	\$13,625.00
56	680	REMOVING TRAFFIC SIGNALS	EA	1	1	\$4,300.00	\$4,300.00
57	682	VEH SIG SEC (12 IN) LED (GRN)	EA	6	6	\$345.00	\$2,070.00
58	682	VEH SIG SEC (12 IN) LED (GRN ARW)	EA	1	1	\$345.00	\$345.00
59	682	VEH SIG SEC (12 IN) LED (YEL)	EA	6	6	\$345.00	\$2,070.00
60	682	VEH SIG SEC (12 IN) LED (YEL ARW)	EA	1	1	\$345.00	\$345.00
61	682	VEH SIG SEC (12 IN) LED (RED)	EA	6	6	\$345.00	\$2,070.00
62	682	VEH SIG SEC (12 IN) LED (RED ARW)	EA	2	2	\$345.00	\$690.00
63	682	PED SIG SEC (12 IN) LED (2 INDICATIONS)	EA	2	2	\$690.00	\$1,380.00
64	682	BACKPLATE (12 IN) (3 SEC)	EA	6	6	\$109.25	\$655.50
65	682	BACKPLATE (12 IN) (4 SEC)	EA	1	1	\$120.75	\$120.75
66	682	LOUVER (12 IN) (ADJUSTABLE)	EA	3	3	\$327.75	\$983.25
67	684	TRF SIG CBL (TY A) (14 AWG) (20 CONDR)	LF	1,473	1,500	\$4.60	\$6,900.00
68	686	INS TRF SIG PL AM (S) STR (TY D) LUM	EA	1	1	\$6,900.00	\$6,900.00
69	688	PED DETECT (2 INCH PUSH BTN)	EA	2	2	\$327.75	\$655.50
70	6266	VIVDS CAMERA ASSEMBLY	EA	1	1	\$3,450.00	\$3,450.00
71	6266	VIVDS COMMUNICATION CABLE (COAXIAL)	LF	907	950	\$2.30	\$2,185.00
72		OPTICOM DETECTOR (TYPE 721 UNI-DIRECTIONAL)	EA	1	1	\$1,431.75	\$1,431.75
73		OPTICOM DETECTOR CABLE	LF	907	950	\$2.30	\$2,185.00
<b>TOTAL COST</b>						<b>Total</b>	<b>\$347,309.25</b>



City of Rowlett  
Staff Report

4000 Main Street  
P.O. Box 99  
Rowlett, TX 75080-0099  
www.rowlett.com

**AGENDA DATE:** 07/07/15

**AGENDA ITEM:** 7C

**TITLE**

Consider action to approve a resolution to authorize the Mayor to execute Contract Amendment 1A-WA to the approved professional services agreement with The Wallace Group in an amount not to exceed \$40,040 for the engineering design of a 16-inch waterline along Miller Road from Rowlett Road to the President George Bush Turnpike (PGBT).

**STAFF REPRESENTATIVE**

Timothy Rogers, Director of Public Works  
Robbin Webber, Assistant Director of Public Works

**SUMMARY**

This project consists of the installation of approximately 3,800 linear feet of 16-inch water main along Miller Road from Rowlett Road to the PGBT.

**BACKGROUND INFORMATION**

The proposed 16-inch waterline will serve as a transmission line to move water from the Kirby Road Elevated Storage Tank to the southwest quadrant of the City. The 16-inch waterline is one of several critical projects necessary to increase the water pressure to the southwest quadrant of the City. Other critical projects for enhanced system pressures include the construction of the 12-inch waterline along PGBT from Miller Heights to Rowlett High School (currently under contract) and the installation of a 16-inch waterline along Main Street from PGBT to Rowlett Road.

The Wallace Group was selected by the City to engineer the proposed 16-inch waterline along Miller Road and issued Task Order 1-WA on April 20, 2010 (RES-032-10), which included the scope to survey the limits of the project and design approximately 3,800 linear feet of 16-inch waterline, provide bidding and pre-construction services, and develop up to two temporary construction easement documents.

**DISCUSSION**

City Staff issued the design Notice to Proceed on April 28, 2010, to The Wallace Group to start the professional engineering services for this project. However, this project design was put on hold in 2011 so that Freese & Nichols, Inc., in a separate task authorization, could identify what type and where the valves should be located within the distribution system to isolate the upper and lower pressure planes. Since this project was reprioritized, in 2012 the original task order was reduced in the amount of \$15,283 so the funds could be reallocated to other critical projects within the City; therefore reducing the purchase order from \$62,750 to \$47,467. Of the reduced amount, the City has paid the Wallace Group to date a total of \$42,987 leaving remaining available funds in the amount of \$4,480 in the Task Authorization.

The table listed below identifies the expenditures at the time the task authorization was put on hold. All of the survey work is usable but will need some verification since it is now over five years old and PGBT was not complete at that time. The area located at PGBT will need to be surveyed to incorporate into the continuance of this project. The design work is approximately 80 percent more than the preliminary alignment. Although amendments to the design are expected, the basic concept will be the same.

<b>Task</b>	<b>Contract Completion Costs (%)</b>	<b>Expended Amount</b>
Survey	100.0%	\$14,000
Conceptual Design	100.0%	\$10,500
Preliminary Design	100.0%	\$8,167
Final Design	80.4%	\$10,320
<b>Total Billed</b>		<b>\$42,987</b>

Staff has coordinated with The Wallace Group to incorporate and utilize as much of the existing survey and design work in the proposed Contract Amendment 1A-WA.

The need for this transmission water supply main continues to be a critical component for system pressures and capacity enhancement within the southwest quadrant of the City. The Wallace Group was tasked with submitting a Contract Amendment to ensure completion of the professional engineering services (design) for this project. The Wallace Group submitted to the City a total of \$40,040. This amount includes the cost to update the survey and design based on changes that occurred from 2010 with the construction of PGBT and the new water main from the Kirby Street Elevated Water Tank. The Bidding and Construction Administration cost for project was included as a non-special service since it is needed for all City projects.

**FINANCIAL/BUDGET IMPLICATIONS**

Funding in the amount of \$856,880 is available in CIP funds budgeted for the 16-Inch Waterline Miller, Rowlett Road Project in MUNIS Code 5288101 6700, Project Code WA1157.

<b>Project MUNIS Code</b>	<b>Project Code/Title</b>	<b>Budgeted Amount</b>	<b>Project Amount</b>
5288101 6700	WA1157/16 Inch Waterline Miller, Rowlett Road	\$856,880	\$40,040
		<b>\$856,880</b>	<b>\$40,040</b>

**RECOMMENDED ACTION**

Staff recommends City Council approve a resolution to authorize the Mayor to execute Contract Amendment 1A-WA to the approved professional services agreements with the Wallace Group in an amount not to exceed \$40,040 for the engineering design of a 16-inch waterline along Miller Road from Rowlett Road to the President George Bush Turnpike (PGBT).

**RESOLUTION**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS, TO APPROVE THE TERMS AND CONDITIONS OF AND TO AUTHORIZE THE MAYOR TO EXECUTE CONTRACT AMENDMENT 1A-WA TO THE APPROVED PROFESSIONAL SERVICES AGREEMENTS WITH THE WALLACE GROUP IN AN AMOUNT NOT TO EXCEED \$40,040.00 FOR THE ENGINEERING DESIGN OF A 16-INCH WATERLINE ALONG MILLER ROAD FROM ROWLETT ROAD TO THE PRESIDENT GEORGE BUSH TURNPIKE; AUTHORIZING THE ISSUANCE OF PURCHASE ORDERS PURSUANT TO APPROVAL; AND, PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Rowlett, Texas has been presented the proposed Contract Amendment 1A-WA to the approved Professional Services Agreements by and between the City of Rowlett and the Wallace Group to provide engineering design for the installation of a 16-inch waterline along Miller Road from Rowlett Road to the President George Bush Turnpike; and

**WHEREAS**, upon full review and consideration of the Amendment and all matters related thereto, the City Council is of the opinion and finds that the terms and conditions thereof should be approved, and that the Mayor should be authorized to execute Contract Amendment 1A-WA on behalf of the City of Rowlett, Texas.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS:**

**Section 1:** That the Contract Amendment 1A-WA attached hereto as Exhibit A having been reviewed by the City Council of the City of Rowlett, Texas and found to be acceptable and in the best interest of the City and its citizens, be, and the same is hereby in all things approved in an amount not to exceed \$40,040.00.

**Section 2:** That the City Council of the City of Rowlett does hereby authorize the Mayor to execute necessary documents after City Attorney approval and authorize the issuance of purchase orders to conform to this resolution.

**Section 3:** This resolution shall become effective immediately upon its passage.

## **ATTACHMENTS**

Exhibit A – Contract Amendment 1A-WA

Attachment 1 – Location Map



**THE WALLACE GROUP**  
engineers architects surveyors  
A CP&Y COMPANY

June 25, 2015

City of Rowlett  
Attn: Sherrelle Diggs, PE – City Engineer  
4800 Main Street  
Rowlett, TX 75088

Re: Miller Road 16-inch Waterline – Rowlett Road to PGBT

Dear Sherrelle,

At your request, The Wallace Group has prepared this letter of proposal to perform Professional Services related to the design of a 16-inch waterline in Miller Road from Rowlett Road to PGBT, approximately 3,800 feet in length. The following tasks and pricing are expected as we perform this work:

Survey: TWG will update the existing survey, collecting data for elements that have been added or changed since the original survey in 2010. One new element is a new water line from the Kirby Street water tower. Also PGBT was under construction at that time and it is necessary to survey those improvements. These services will be performed for a lump sum price of \$9,520.

SUE services: At the suggestion of the City, TWG will perform Level “B” designating of existing franchise utilities along the north right-of-way line of Miller Road and add those elements to the survey data. These services will be performed for a lump sum price shown of \$5,000.

Final Design: The final design will be performed and submitted at three intervals. The alignment plan and profile of the waterline will be submitted as 60% complete for approval by the City. Revisions to the 60% plan set plus sidewalk grading, City standard details and additional details will be submitted as 90% complete for approval. The 100% plans will include revisions from the 90% plan set, be reviewed for completeness, signed, sealed and ready for advertisement for bidding. A specification package will be assembled and submitted at 90% for review. These services will be performed for a lump sum price of \$20,160.

Bidding: TWG will prepare documents for pick-up by contractors, prepare addenda as necessary, perform other tasks related to bidding as required while project is advertised, attend bid opening and compile bid tabulation. These services will be performed on an hourly basis with a not to exceed amount of \$2,160.

[www.wallace-group.com](http://www.wallace-group.com)

WACO KILLEEN DALLAS ROUND ROCK

1825 Market Center Blvd., Suite 440, Dallas, Texas 75207 | 214.747.3733  
TBPE F-54 TBPLS 10051702

Construction Administration: TWG will perform tasks necessary to finalize the drawings and specification package as construction documents, attend a pre-construction meeting, make approximately five site visits, review invoices and perform other CA tasks as requested by the City. These services will be performed on an hourly basis with a not to exceed amount of \$7,680.

The previous Task Authorization (WA090702) has \$4,480 remaining and will be used to complete the scope of work described in this proposal. This amount is shown as a deduction from the individual tasks shown above.

Survey	Lump Sum	\$9,520
Level "B" SUE services	Lump Sum	\$5,000
Final Design	Lump Sum	\$20,160
Bidding	Hourly - Not To Exceed	\$2,160
Construction Administration	Hourly - Not To Exceed	<u>\$7,680</u>
<b>SUBTOTAL</b>		<u>\$44,520</u>
Minus amount remaining in Task Authorization WA090702		<u>(\$4,480)</u>
<b>TOTAL</b>		<u>\$40,040</u>

We appreciate the opportunity to perform this work for the City of Rowlett.

Sincerely,

Sean M. Flaherty, RPLS  
Senior Vice President  
The Wallace Group, A CP&Y Company

Please indicate acceptance of this proposal by signing below.

\_\_\_\_\_

Name

\_\_\_\_\_

Title

CMW:cw



Legend

### City of Rowlett

**16" Water Main along Miller Road  
From PGBT to Rowlett Road  
Location Map**



Map Date:





City of Rowlett  
Staff Report

4000 Main Street  
P.O. Box 99  
Rowlett, TX 75080-0099  
www.rowlett.com

**AGENDA DATE:** 07/07/15

**AGENDA ITEM:** 7D

**TITLE**

Consider action to approve a resolution for the purchase of playground construction materials and components from Play by Design in the amount of \$447,313.52 for the Kids Kingdom rebuild project.

**STAFF REPRESENTATIVE**

Jermel Stevenson, Director of Parks and Recreation  
Keith Flournoy, Parks Division Manager  
Allyson Wilson, Purchasing Agent

**SUMMARY**

On Saturday, May 9<sup>th</sup>, Rowlett citizens voted to approve all three ballot issues related to the sale of bonds for capital improvements. Included in Proposition #2 was the Kids Kingdom Rebuild Project for the amount of \$557,500.00. The purpose of this item is to begin the purchasing process and seek approval to use the sole source vendors and recommended vendors by the approved playground project consultant, Play by Design (PBD). These recommended vendors will provide the construction material and equipment for the Community Kids Kingdom Rebuild slated to begin on November 30, 2015.

**BACKGROUND INFORMATION**

A Request for Qualifications was published on November 13, 2014, for a professional playground design consultant to lead the City in the reconstruction of the Kids Kingdom playground. The original playground was removed in the spring of 2013, after an independent survey revealed that there were significant safety issues and that there were serious concerns about the CCA lumber used to construct the playground. On November 20, 2014, Play by Design, a consulting company from Ithaca, New York was chosen as the consultant to begin the design process for the new Kids Kingdom. At the December 12, 2014, Parks and Recreation Board Meeting it was announced that Play by Design was the vendor selected for the Design Day event and that Play by Design would be providing us with a Design Day event, a schematic drawing and an estimate for the construction of the new playground.

The design process, which included input from school children across Rowlett, concluded with the Design Day Unveiling on January 16, 2015. The conceptual plan for the new Kids Kingdom playground was revealed at an evening presentation at the Rowlett High School with over 600 drawings displayed and 500 people attending. Approximately three weeks after the Design Day, Play by Design presented a final conceptual drawing of the playground, as well as a parts and price list for the playground. The estimated cost of the playground was \$750,000.00.

The Kids Kingdom Reconstruction Project was included in the 2015 bond election Proposition #2, which passed overwhelmingly with 81 percent of the vote. This bond is funding \$557,500.00 of the estimated costs, which with the previous \$100,000.00 designated from the City Council on

June 4, 2013, and the anticipated city-wide fundraising efforts of at least \$92,500.00 will cover the estimated cost of the playground (\$750,000.00).

On May 19, 2015, Play by Design was approved as the consultant for the reconstruction of the playground. The reconstruction of the playground will be a “Community Built” project, with volunteers providing labor for the construction. This process, driven by community leaders on the Kids Kingdom Playground Committee, is designed to bring citizens from across the City of Rowlett together to erect the 20,000 square foot playground.

Play by Design was selected via a Request for Qualifications process and is the sole source provider for the aggregation of materials, components and supervisory expertise needed for the project. Because Play by Design is a sole source provider, competitive bidding is not required. Play by Design works with specific playground manufacturers that will be able to provide the materials and components that meet their custom design. Because the labor for the construction are the local citizens of Rowlett, it is important to follow the recommendations of the Project Manager for the construction materials and components. The Project Managers of Play by Design have many years of “Community Built” project management experience and are committed to providing the best materials and components for the Kids Kingdom Playground. Their years of experience building structures and assembling components have provided them with proven methods of construction and standards of safety.

The playground is scheduled to be built starting on November 30, 2015, through December 6, 2015. Below is a timeline of some key dates relative to build week and preparation.

**Table 1**

Date	Event	Location	Purpose
August 28, 2015	Pre-Construction Meeting	RCC	This meeting is for all of the committee chairs to meet with consultant (PBD) to discuss progress made relative to fundraising, volunteer sign up, orders, etc. This will also give us an opportunity to ask any questions. The Consultant will also need to meet with staff (Parks and Rec/Public Works) to discuss site preparation
November 18 <sup>th</sup> - 20 <sup>th</sup> , 2015	Pre-Build	Pecan Grove	Designers from PBD will be on site to lead the Pre-Build, which is a three day event. During this time much of the site prep and “heavy lifting” is done working with staff from Parks, Public Works and select skilled volunteers. The foundation will be prepared, all of the needed holes will be dug and many of the large posts will be set.
November 30 <sup>th</sup> – December 6 <sup>th</sup> , 2015	Build Week	Pecan Grove	During this week, all of our efforts will come to fruition. According to PBD we should be completed with the playground assembly by December 5 <sup>th</sup> , with a ribbon cutting celebration on December 6 <sup>th</sup> . Please note

Date	Event	Location	Purpose
			that after the playground has been completely assembled, there will still be several days before the children can actually play on the new playground. The poured in place rubber will be the last thing to go in and takes several days to cure.

## DISCUSSION

Due to certain shipping timelines for various playground components, it is important that we get approval for the purchase of the attached materials, parts and equipment for the rebuild project. The following table reflects the lead time needed to insure that we have these necessary items on location prior to Build Week. We are hoping to have all items on site no later than November 1, 2015.

**Table 2**

Item	Delivery Time	Order Date (Week of)	Est. Arrival Date (Week of)
*Zip Line	14 Weeks	July 13, 2015	October 19, 2015
Slide	14 Weeks	July 13, 2015	October 19, 2015
Merry Go Round	14 Weeks	July 13, 2015	October 19, 2015
*Quad Pod	10 Weeks	August 17, 2015	October 26, 2015
*Dino Climber	10 Weeks	August 17, 2015	October 26, 2015
*Spider Bouncer	10 Weeks	August 17, 2015	October 26, 2015
Big-O Swing	10 Weeks	August 17, 2015	October 26, 2015
*Apollo	10 Weeks	August 17, 2015	October 26, 2015
Tri-Max Lumber	8 Weeks	September 7, 2015	November 1, 2015
Darquest Hardware	8 Weeks	September 7, 2015	November 1, 2015

\*Components that require fundraising.

## FINANCIAL/BUDGET IMPLICATIONS

The bonds approved on May 9, 2015, are intended to be sold in three separate years with approximately \$10.1 million being sold this summer and the remaining amount being sold in 2016 and 2017. The amount allotted from the bond election for Kids Kingdom is \$557,500. In addition, the City has already set aside \$100,000 and will be seeking donations through fundraising efforts of about \$92,500 for a total estimated project cost of \$750,000. This initial purchase will cost \$447,313.52, which includes the five play features for which we are currently fundraising. Please note that we will need to make additional purchases of shading and safety surface once we receive the CAD drawings. The CAD drawing will allow us to design the shade structure and get an actual cost for both items based on a scaled drawing.

The \$92,500 estimate that we received from Play by Design for the five fundraising items did not include shipping and handling. We do not plan to ask donors or sponsors to pay for the shipping since it was not included in our initial advertisements, however we will have to plan for these expenses. The total shipping cost for the entire project totals \$14,990.24. The shipping costs can be potentially funded through the Bond, CIP or additional fundraising efforts. Although the Council has initially agreed to the \$92,500 in fundraising, the Parks Advisory Board and Playground Committee are aware of these needs and has had favorable discussions relative to

the need to raise funds beyond the original estimate of \$92,500. Staff recommends an increased fundraising target of an additional \$25,000 for a total of \$117,500. Any additional funds raised could then be utilized to cover various ancillary items that will be needed, such as special tools, storage containers, flyers, promotional expenses, of course the shipping costs and as well as any unforeseen or unplanned costs encountered during the construction process.

Council's "pre-approval" is important along with the five fundraising items in case we are successful in raising the funds for the five selected items. This is important because of the timelines required for purchasing those items and to ensure they are on site in time to be included with the build.

**Table 3**

<b>Manufacturers</b>	<b>Vendor</b>	<b>Cost with Fundraising Items (Incl. SH)</b>	<b>Cost without Fundraising Items (Incl. SH)</b>
Superior	PBD	\$42,182.49	42,182.49
Integrated Design Solutions (IDS)	PBD	32,980.00 (with dinosaur)	12,170.00 (w/o dinosaur)
Xccent	PBD	2,816.00	2,816.00
Sutcliffe	PBD	26,097.24 (with zip line)	12,607.00 (w/o zip line)
Atlantis	PBD	19,410.00	19,410.00
GL Jones	PBD	26,700.00	26,700.00
Dynamo	PBD	89,380.00 (with Apollo, Q. Pod and Spider)	16,190.00 w/o Apollo, Q. Pod and Spider)
Renew Plastics (Trimax Lumber)	PBD	207,747.79	207,747.79
<b>Total</b>		<b>\$447,313.52</b>	<b>\$339,823.28</b>

**Table 4**

<b>Account Code Project Code</b>	<b>Title</b>	<b>Budget Amount</b>	<b>Proposed Amount</b>
2015 Bond	Kids Kingdom Components from Play by Design Playground	\$557,500.00	\$354,813.52
3028001-Pk2101	Kids Kingdom Components from Play by Design	100,000.00	-
TBD	Desired Fundraising	117,500.00	117,500.00
<b>Total</b>		<b>\$775,000.00</b>	<b>\$472,313.52</b>

**RECOMMENDED ACTION**

City staff recommends the City Council approve a resolution to purchase playground construction materials and components from Play by Design in the amount of \$472,313.52 for the Kids Kingdom rebuild project.

## **RESOLUTION**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS APPROVING THE PURCHASE OF PLAYGROUND CONSTRUCTION MATERIALS AND COMPONENTS FROM PLAY BY DESIGN IN THE AMOUNT OF \$447,313.52 FOR THE KIDS KINGDOM REBUILD PROJECT; AUTHORIZING THE ISSUANCE OF PURCHASE ORDERS PURSUANT TO APPROVAL; PROVIDING FOR A CONTINGENCY OF \$25,000; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, it is necessary to acquire playground construction materials and components for the Kids Kingdom rebuild project; and

**WHEREAS**, on May 19, 2015, the City Council selected Play by Design as the City's consultant to provide professional playground design and construction services for the Kids Kingdom Playground Project as per Resolution Number RES-064-15; and

**WHEREAS**, Play by Design and several of its material manufacturers are sole source vendors for the specific playground design; and

**WHEREAS**, the City Council of the City of Rowlett, Texas desires to approve the purchase of playground construction materials and components from Play by Design in the amount of \$447,313.52 for the Kids Kingdom rebuild project; and

**WHEREAS**, the City Council of the City of Rowlett, Texas desires to provide for a contingency of \$25,000 to provide for ancillary expenses and unforeseen conditions as needed.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS:**

**Section 1:** That the City Council of the City of Rowlett does hereby approve the purchase of playground construction materials and components from Play by Design in the amount of \$447,313.52 for the Kids Kingdom rebuild project.

**Section 2:** That the City Council of the City of Rowlett does hereby approve a contingency of \$25,000 to provide for ancillary expenses and unforeseen conditions as needed.

**Section 3:** That the City Manager be and is hereby authorized to execute the necessary documents and to issue purchase orders to conform to this resolution.

**Section 4:** That this resolution shall become effective immediately upon its passage.

**ATTACHMENTS**

Exhibit A – Factory Direct Equipment Pricing

Exhibit B – Trimax Pricing Quote



June 30, 2015

Keith Flournoy CPRP  
Parks Division Manager  
5300 Main St.  
Rowlett, Tx 75088

**FACTORY DIRECT EQUIPMENT QUOTE**

(Must be purchased through Play by Design)

(Estimated Prices are valid for 30 days from date of estimate listed above)

ITEM	QUANTITY	PRICE	TOTAL
<b>SUPERIOR INTERNATIONAL INDUSTRIES (Sii)</b>			
<b>PLASTIC SLIDES</b>			
Tri Chute Split	1	4,200.00	4,200.00
Tot Right Turn	1	640.00	640.00
96" Stargate Veer Slide	1	2,094.00	2,094.00
Left Tube Slide (FTA 3066 #744241 (L)	1	2,870.00	2,870.00
Standard slide foot (06500)	4	90.00	360.00
Standard slide middle (SGS-SUP)	3	100.00	300.00
Slide mounting kit (0772200)	4	33.00	132.00
Slide foot mounting kit (0009231)	4	1.00	4.00
Slide hardware kit (FSSA 3066 kit)	1	320.00	320.00
L-bracket (0020500)	4	15.00	60.00
L-bracket mounting kit (0009230)	4	2.50	10.00
<b>SWINGS</b>			
5" Arch swings (8' 3-bay 90015503)	1	4,639.00	4,639.00
5" Arch tire swings add a bay (90945900xx)	1	1,480.00	1,480.00
5" Single Post with shade (8' 2-bay TFR08980XX)	1	4,794.00	4,794.00
Belt seat S-02 w/chain and hardware (90015108G)	5	75.00	375.00
Tire swing PT-02 w/chain and hardware (PT-05G)	1	236.00	236.00
The Complete Seat S-252 w/chain and hardware	3	125.00	375.00
Tot Adaptive Seat w/chain and hardware (ADP-05)	1	351.00	351.00
Adaptive Seat w/chain and hardware (ADP-25)	1	574.00	574.00



PLAY BY DESIGN

677 Bostwick Road | Ithaca, NY 14850

607-229-9790 playbydesignonline.com

Rowlett, TX Community Playground

Page 2

ITEM	QUANTITY	PRICE	TOTAL
<b>COMPONENTS</b>			
Trapeze Rung (70009009)	1	695.00	695.00
90 Degree straight rung (70009107)	1	822.00	822.00
360 Orbital Horizontal Ladder (90009011 PL)	1	990.00	990.00
Petunia (41636-OX)	1	3,370.00	3,370.00
3-Wheel spinner (TCW02106)	1	1,182.00	1,182.00
Chin-up bar (70022001)	1	72.00	72.00
Rock wall handholds (CRH – 4/set)	14	20.00	280.00
Coil climber (70007006)	1	600.00	600.00
Grab handle (R3 handles)	8	20.00	160.00
Clevis connectors (SH-40)	12	2.50	30.00
Allen wrench (SH-41)	1	2.50	2.50
6"x6" caps (PC-66)	130	4.00	520.00
Steering Wheels (A-40)	2	64.00	128.00
Mushroom Hops 11.5" (MS-02)	2	300.00	600.00
Mushroom Hops 15.5" (MS-03)	2	320.00	640.00
Mushroom Hops 19.5" (MS-04)	2	340.00	680.00
4' Crawl Tunnel (0743800)	1	1,690.00	1,690.00
Deep Arch Rung (70007007)	1	810.00	810.00
Challenge Bridge	1	1,516.00	1,516.00
Pony (SA-02)	1	499.99	499.99
Shuttle Rider (90018315)	1	1,083.00	1,083.00
Total			\$40,184.49



**PLAY BY DESIGN**

677 Bostwick Road | Ithaca, NY 14850

607-229-9790 playbydesignonline.com

Rowlett, TX Community Playground

Page 3

<b>ITEM</b>	<b>QUANTITY</b>	<b>PRICE</b>	<b>TOTAL</b>
<b>XCCENT PLAY</b>			
Graviton spinner	1	2,440.00	2,440.00
<b>SUTCLIFFE PLAY – UK</b>			
Swing nest	1	600.00	600.00
Drag Ramp	2	5,400.00	10,800.00
Cable Ride (Zip Line)	1	10,500.00	10,500.00
<b>INTEGRATED DESIGN SOLUTIONS (IDS)</b>			
Climbing boulder (72” Transition)	1	11,500.00	11,500.00
T-Rex	1	19,480.00	19,480.00
<b>DYNAMO</b>			
Spider Large (DX-102)	1	19,330.00	19,330.00
Mini Apollo (DX-1200)	1	14,030.00	14,030.00
Biggo Spia (DX-3175)	2	6,400.00	12,800.00
Quad Pod (DX-2400)	1	36,700.00	36,700.00
<b>ATLANTICS</b>			
AA Spiral Tube Slide (112” Custom Stainless)	1	19,410.00	19,410.00
<b>GL-JONES PLAYGROUNDS</b>			
Ability Whirl (Accessible Merry-go-Round)	1	26,700.00	26,700.00
Total .....			\$184,290.00



**FACTORY DIRECT EQUIPMENT SHIPPING QUOTE**

(Estimated Prices are valid for 30 days from date of estimate listed above)

Sii	\$1,998.00
Xccent	\$376.00
Sutcliffe	\$4197.24
IDS	\$2,000.00
Dynamo	\$6,520.00
Atlantics	(included in price)
GL Jones Playgrounds	(included in price)

Total Shipping Handling .....\$15,091.24

**GRAND TOTAL..... \$239,565.73**

# Play by Design

Rowlett TX - Playground

Pieces	Profile	Length	Color	Surface	Wt/LF	\$/Stick	Wt Extension	\$ Extension
70	1 1/2" x 9 1/2" Sqr Edge	16	Cedar	Smooth	5.54	\$157.76	6205	\$11,043.20
20	1 1/2" x 9 1/2" Sqr Edge	16	Red	Evolve	5.54	\$133.44	1773	\$2,668.80
28	1 1/2" x 9 1/2" Sqr Edge	16	Teal	Evolve	5.54	\$133.60	2482	\$3,740.80
9	1 1/2" x 9 1/2" Sqr Edge	12	White	Evolve	5.54	\$114.60	598	\$1,031.40
36	1 1/2" x 7 1/2" Sqr Edge	16	Cedar	Smooth	4.37	\$114.24	2517	\$4,112.64
150	1 1/2" x 7 1/2" Sqr Edge	13	Cedar	Smooth	4.37	\$92.82	8522	\$13,923.00
275	1 1/2" x 5 1/2" Eased Edge	12	Cedar	Smooth	3.47	\$73.32	11451	\$20,163.00
305	1 1/2" x 5 1/2" Eased Edge	16	Cedar	Smooth	3.47	\$97.76	16934	\$29,816.80
60	1 1/2" x 3 1/2" Radius Edge	13	Cedar	Smooth	2.04	\$42.12	1591	\$2,527.20
248	1 1/2" x 3 1/2" Radius Edge	16	Cedar	Smooth	2.04	\$51.84	8095	\$12,856.32
1100	1 1/2" x 1 1/2" Sq Edge	4	Cedar	Smooth	0.73	\$5.84	3212	\$6,424.00
35	1 1/2" x 1 1/2" Sq Edge	13	Cedar	Smooth	0.73	\$18.98	332	\$664.30
80	1 1/2" x 1 1/2" Sq Edge	8	Cedar	Smooth	0.73	\$11.68	467	\$934.40
60	1 1/2" x 1 1/2" Sq Edge	10	Cedar	Smooth	0.73	\$14.60	438	\$876.00
320	1" x 5 1/2" Sq Edge	16	Cedar	Woodgrain	1.68	\$32.96	8602	\$10,547.20
140	1" x 5 1/2" Sq Edge	12	Cedar	Woodgrain	1.68	\$24.72	2822	\$3,460.80
160	3 1/2" x 3 1/2" Sqr Edge	8	Cedar	Smooth	4.77	\$63.60	6106	\$10,176.00
5	3 1/2" x 3 1/2" Sqr Edge	10	Cedar	Smooth	4.77	\$79.50	239	\$397.50
10	3 1/2" x 3 1/2" Sqr Edge	14	Cedar	Smooth	4.77	\$111.30	668	\$1,113.00
12	5 1/2" x 5 1/2" Sqr Edge	5	Cedar	Smooth	11.76	\$86.05	706	\$1,032.60
6	5 1/2" x 5 1/2" Sqr Edge	6	Cedar	Smooth	11.76	\$103.26	423	\$619.56
5	5 1/2" x 5 1/2" Sqr Edge	7	Cedar	Smooth	11.76	\$120.47	412	\$602.35
23	5 1/2" x 5 1/2" Sqr Edge	8	Cedar	Smooth	11.76	\$137.68	2164	\$3,166.64
7	5 1/2" x 5 1/2" Sqr Edge	9	Cedar	Smooth	11.76	\$154.89	741	\$1,084.23
12	5 1/2" x 5 1/2" Sqr Edge	10	Cedar	Smooth	11.76	\$172.10	1411	\$2,065.20
12	5 1/2" x 5 1/2" Sqr Edge	11	Cedar	Smooth	11.76	\$189.31	1552	\$2,271.72
44	5 1/2" x 5 1/2" Sqr Edge	12	Cedar	Smooth	11.76	\$206.52	6209	\$9,086.88
11	5 1/2" x 5 1/2" Sqr Edge	13	Cedar	Smooth	11.76	\$223.73	1682	\$2,461.03
10	5 1/2" x 5 1/2" Sqr Edge	14	Cedar	Smooth	11.76	\$240.94	1646	\$2,409.40
22	5 1/2" x 5 1/2" Sqr Edge	15	Cedar	Smooth	11.76	\$258.15	3881	\$5,679.30
20	5 1/2" x 5 1/2" Sqr Edge	16	Cedar	Smooth	11.76	\$275.36	3763	\$5,507.20
2	5 1/2" x 5 1/2" Sqr Edge	17	Cedar	Smooth	11.76	\$292.57	400	\$585.14
18	5 1/2" x 5 1/2" Sqr Edge	18	Cedar	Smooth	11.76	\$309.78	3810	\$5,576.04
4	5 1/2" x 5 1/2" Sqr Edge	20	Cedar	Smooth	11.76	\$344.20	941	\$1,376.80
4	5 1/2" x 5 1/2" Sqr Edge	22	Red	Smooth	11.76	\$378.62	1035	\$1,514.48
1700	1" x 2 3/4" Radius Edge	4	Cedar	Smooth	0.91	\$10.00	6188	\$17,000.00

(Engraved Fence Pickets)

120016 \$198,514.93

3 trucks - 1157 miles @ 2.66 / mile Freight

\$9,232.86

\$207,747.79

**Trimax**

PO Box 480, Luxemburg, WI 54217-0480





City of Rowlett  
Staff Report

4000 Main Street  
P.O. Box 99  
Rowlett, TX 75080-0099  
www.rowlett.com

**AGENDA DATE:** 07/07/15

**AGENDA ITEM:** 7E

**TITLE**

Consider action to adopt an ordinance on the dissolution and termination of the Tax Increment Financing Reinvestment Zone Number One, City of Rowlett, Texas.

**STAFF REPRESENTATIVE**

Brian Funderburk, City Manager  
Jim Grabenhorst, Director of Economic Development

**SUMMARY**

This ordinance will dissolve and terminate the Tax Increment Reinvestment Zone Number One (TIRZ 1) in accordance with Chapter 311, Texas Tax Code. TIRZ 1 has been inactive and the project and financing plan are no longer relevant.

As part of the City's strategic vision outlined with Realize Rowlett 2020, specific areas have been targeted for development and redevelopment and the City is considering creating area-specific TIRZ districts instead of one large TIRZ as part of that strategy.

**BACKGROUND INFORMATION**

The Tax Increment Financing Reinvestment Zone Number One was designated and created in accordance with Chapter 311, Texas Tax Code, by City of Rowlett Ordinance No. 12-17-02F (Attachment 1) on December 17, 2002. The project and financing plans were created in anticipation of funding infrastructure improvements relating to the President George Bush Turnpike (PGBT). As a result of the City's past agreements with the North Texas Tollway Authority (NTTA), the TIRZ 1 was not used as the mechanism to fund infrastructure improvements associated with the acquisition of property and construction of infrastructure.

The TIRZ 1 Board of Directors met on June 16, 2015, and approved a resolution (Exhibit A) recommending City Council dissolve and terminate TIRZ 1 and the City Council conducted a public hearing in accordance with state law and Chapter 311, Texas Tax Code on June 16, 2015 (Attachment 2) for the public to express any comments for or against the termination of TIRZ 1. No public comments were received at the hearing.

**DISCUSSION**

A Tax Increment Reinvestment Zone (TIRZ) is a defined area within a City that is created by Council action in order to provide infrastructure improvements to that area. Upon the creation of the TIRZ, a base property value is established within the reinvestment zone. Any incremental increase in real property or sales tax - the increment or captured value - may be used to fund improvements and repay debt within the zone. Since the adopted project and finance plan for TIRZ 1 was focused on the anticipated costs associated with PGBT infrastructure which never materialized, and given that the TIRZ 1 boundary is over 1700 acres, the City has not amended

or utilized this TIRZ as a funding mechanism to capture the tax increment to fund improvements within the zone. At the April 10, 2012, meeting, the TIRZ 1 Board voted to reduce the City's participation rate from 100 percent to 0 percent as a result of no planned activity.

Since that time, the City's strategic focus has been on implementing the Realize Rowlett 2020 plan, which included utilizing economic development tools in targeted areas. Examples of that include the creation of three separate Municipal Management Districts (MMD's) encompassing specific growth areas and the recent creation of the Tax Increment Reinvestment Zone Number Two for the Bayside project. The City is currently planning the creation of a TIRZ for Downtown.

## **FINANCIAL/BUDGET IMPLICATIONS**

N/A

## **RECOMMENDED ACTION**

Move to approve an ordinance on the dissolution and termination of the Tax Increment Financing Reinvestment Zone Number One, City of Rowlett, Texas.

## **ORDINANCE**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS, TERMINATING AND DISSOLVING THE TAX INCREMENT FINANCING REINVESTMENT ZONE NUMBER ONE; MAKING FINDINGS IN SUPPORT OF THE TERMINATION; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Rowlett, Texas, has heretofore created and established the Tax Increment Financing Reinvestment Zone Number One (hereinafter the "Zone") of the City of Rowlett, Texas, by ordinance (City of Rowlett Ordinance No. 12-17-02F), which specifies a termination date of December 31, 2033 "or at an earlier time designated by subsequent ordinance of the City Council in the event that the City determines that the Zone should be terminated due to insufficient private investment, accelerated private investment or other good cause, or at such time as all project costs and tax increment bonds, if any, and the interest thereon, have been paid in full;" and

**WHEREAS**, the City Council finds and determines that conditions justifying termination of the Zone prior to December 31, 2033, have been satisfied in that the Zone has incurred no project costs, has not issued tax increment bonds, and has no debts or other outstanding obligations; and

**WHEREAS**, the City Council finds and determines that good cause exists to terminate the Zone in that no other taxing unit has committed to participate in the Zone through dedication of incremental tax revenues, that the City no longer contributes incremental tax revenues to the Zone, and that the Zone has no funds, assets, projects, debts, bonds, or obligations; and

**WHEREAS**, the Board of Directors of the Zone has stated by Resolution its recommendation for early termination, which the Council finds is well taken; and

**WHEREAS**, the governing body of the City of Rowlett, in compliance with the laws of the State of Texas and the ordinances of the City, have given requisite notice by publication and otherwise, and after holding due public hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, and in the exercise of its legislative discretion has concluded that the Tax Increment Financing Reinvestment Zone Number One of the City of Rowlett, Texas, should be terminated.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS:**

**Section 1:** That the recitals hereinabove are true and correct and are incorporated herein.

**Section 2:** That the Tax Increment Financing Reinvestment Zone Number One of the City of Rowlett, Texas, heretofore established by City of Rowlett Ordinance No. 12-17-02F, be and is hereby terminated and dissolved.

**Section 3:** That since the Zone has no assets, funds, debts, or obligations, no winding up of the affairs of the Zone is necessary; provided, however, that if and to the extent that assets, monies, accounts receivable or property owned by the Zone are later discovered, any such assets, monies or property shall be turned over to the City for deposit in the City's General Fund, after satisfaction of any debts or obligations of the Zone.

**Section 4:** That all ordinances of the City of Rowlett in conflict with the provisions of this ordinance be and the same are hereby repealed and all other ordinances of the City of Rowlett not in conflict with the provisions of this ordinance shall remain in full force and effect.

**Section 5:** That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision hereof other than the part so decided to be invalid, illegal, or unconstitutional.

**Section 6:** That this ordinance shall take effect from and after its passage and the publication of the caption as the law and Charter in such cases provide.

## **ATTACHMENTS**

Exhibit A – Resolution for Termination from TIRZ 1 Board

Attachment 1 – City of Rowlett Ordinance No. 12-17-02F

Attachment 2 – Notice of Public Hearing for terminating TIRZ 1

RESOLUTION NO. TIF - 001-15

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE TAX INCREMENT FINANCING REINVESTMENT ZONE NUMBER ONE, RECOMMENDING THE TERMINATION OF THE ZONE AND MAKING FINDINGS IN SUPPORT OF THE TERMINATION; AND, PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of Directors of the Tax Increment Financing Reinvestment Zone Number One (hereinafter the "Zone") of the City of Rowlett, Texas, finds and determines that the ordinance creating the Zone (City of Rowlett Ordinance No. 12-17-02F) specifies a termination date of December 31, 2033 "or at an earlier time designated by subsequent ordinance of the City Council in the event that the City determines that the Zone should be terminated due to insufficient private investment, accelerated private investment or other good cause, or at such time as all project costs and tax increment bonds, if any, and the interest thereon, have been paid in full;" and

WHEREAS, the Board finds that the Zone has no project costs, assesses and collects no incremental tax, has no outstanding bonds, has no outstanding debts or obligations, has no pending or contemplated projects; has no funds, and is responsible for no interest on any bonds, debts or obligations; and

WHEREAS, the Board finds that it, and, therefore, a recommendation should be made to the City Council to terminate the Zone. Now, Therefore

BE IT RESOLVED by the Board of Directors of the Tax Increment Financing Reinvestment Zone Number One, City of Rowlett, Texas that the recitals contained hereinabove are true and correct.

BE IT FURTHER RESOLVED that since the Zone: 1) has no pending or contemplated projects, 2) has no project costs, tax increment bonds and interest on those bonds, 3) has paid and satisfied all obligations of the Zone in full, and 4) has properly disbursed and accounted for all funds of the Zone, the Zone should be terminated earlier than the December 31, 2033 termination date specified in the enabling ordinance.

BE IT FURTHER RESOLVED by the Board that the Board hereby makes its formal recommendation to the City Council of the City of Rowlett, Texas, that the Tax Increment Financing Reinvestment Zone Number One of the City of Rowlett, Texas, be terminated and dissolved.

This resolution shall become effective immediately upon its passage.

Date: 6/16/15

  
\_\_\_\_\_  
Carl Pankratz, Secretary

  
\_\_\_\_\_  
Rick Sheffield, Chairman

**AN ORDINANCE OF THE CITY OF ROWLETT, TEXAS****ORDINANCE NO. 12-17-02F**

**AN ORDINANCE OF THE CITY OF ROWLETT, TEXAS, DESIGNATING A TAX INCREMENT FINANCING REINVESTMENT ZONE NUMBER ONE, ON APPROXIMATELY 1,737.78 ACRES WITHIN THAT PORTION OF THE CITY OF ROWLETT EAST OF ROWLETT ROAD, WEST OF MUDDY CREEK AND LAKE RAY HUBBARD, SOUTH OF THE NORTHERN CITY LIMITS, AND NORTH OF LAKE RAY HUBBARD/SOUTHERN CITY LIMITS, TO INCLUDE THE TECHNOLOGY RESEARCH, DOWNTOWN AND THE ENTERTAINMENT WATERFRONT ZONING DISTRICT OF THE CITY; BY PROVIDING FOR THE ESTABLISHMENT A BOARD OF DIRECTORS FOR SUCH REINVESTMENT ZONE; BY PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Rowlett Texas, (the "City"), desires to promote the development and/or redevelopment of a certain contiguous geographic area to include the Technology Research and Entertainment Waterfront planning areas within its jurisdiction by the creation of a reinvestment zone, as authorized by the Tax Increment Financing Act, Chapter 311 of the Texas Tax Code, (the "Act"); and

**WHEREAS**, in compliance with the Act, notice of such public hearing was published in The Rowlett Lakeshore Times, a paper of general circulation in the City, such publication date being not later than seven (7) days prior to the date of the public hearing; and

**WHEREAS**, in compliance with the Act, the City has called a public hearing to receive public comments on the advisability of creating such reinvestment zone and its benefits to the City and the property in the proposed reinvestment zone; and

**WHEREAS**, such hearing was convened at the time and place mentioned in the published notice, to wit, on the 17<sup>th</sup> day of December, 2002, at 7:30 p.m., in the City Council Chambers in the City Hall of the City of Rowlett, Texas, which hearing was then closed; and

**WHEREAS**, the City, at such, hearing invited any interested person, to appear and comment for or against the creation of the reinvestment zone, the boundaries of the proposed reinvestment zone, whether all or part of the territory included in the boundary description and depicted in the map which together are attached hereto as Exhibit "A" should be included in such proposed reinvestment zone, the concept of tax increment financing and the appointment of a board of directors for the proposed reinvestment zone; and

**WHEREAS**, all owners of property located within the proposed reinvestment zone and all other taxing units and other interested persons were given the opportunity at such public hearing to protest the creation of the proposed reinvestment zone; and

**WHEREAS**, the proponents of the reinvestment zone offered evidence, both oral and documentary, in favor of all of the foregoing matters relating to the creation of the reinvestment zone, and opponents, if any, of the reinvestment zone appear to contest creation of the reinvestment zone;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS:**

**SECTION 1.** That the facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct.

**SECTION 2.** That the City Council, after conducting such hearing and having heard such evidence and testimony, has made the following findings and determinations based on the evidence and testimony presented to it:

- (a) That the public hearing on adoption of the reinvestment zone has been properly held and conducted and that notice of such hearing has been published as required by law and delivered to all taxing units overlapping the territory inside the proposed reinvestment.
- (b) That creation of the proposed reinvestment zone with boundaries as described in Exhibit "A" will result in benefits of the city, its residents and property owners, in general, and to the property, residents and property owners in the reinvestment zone.
- (c) That the reinvestment zone, as defined in Exhibit "A", meets the criteria for the creation of a reinvestment zone as set forth in the Act in that:
  - (1) It is a contiguous geographic area located wholly within the corporate limits of the City.
  - (2) The area is predominately open and because of obsolete platting or deterioration of structures or site improvements, substantially impairs or arrests the sound growth of the City.
  - (3) Area within the reinvestment zone substantially impairs or arrests the sound growth of the City; retards the provision of housing accommodations; constitutes an economic and social liability and is a menace to the public health, safety, morals and welfare in its present condition and use due to a substantial number of substandard structures; faulty lot layout in relation to size, adequacy, accessibility, or usefulness; and a predominance of defective or inadequate sidewalk and street layout.

- (d) That the total appraised value of all taxable real property in the proposed reinvestment zone according to the most recent appraisal roll of the City, together with the total appraised value of taxable real property in all other existing reinvestment zones within the City, according to the most recent appraisal roll of the City, does not exceed fifteen percent (15%) of the current total appraised value of taxable real property in the City and in the industrial districts created by the City, if any.
- (e) That the proposed reinvestment zone does not contain more than fifteen percent (15%) of the total appraised value of real property taxable by a county or school district.
- (f) That the improvements in the reinvestment zone will significantly enhance the value of all taxable real property in the reinvestment zone.
- (g) That the development or redevelopment of the property in the proposed reinvestment zone will not occur solely through private investment in the reasonably foreseeable future.
- (h) That not more than ten percent (10%) of the property in the proposed reinvestment zone, excluding property that is publicly owned, is used for residential purposes.

**SECTION 3.** That the City hereby creates a reinvestment zone over the area described and depicted at Exhibit "A" attached hereto, and such reinvestment zone shall hereafter be identified as Tax Increment Financing Reinvestment Zone Number One, City of Rowlett, Texas (the "Zone" or "Reinvestment Zone").

**SECTION 4.** That there is hereby established a board of directors for the Zone which shall consist of nine (9) members. The board of directors of Tax Increment Financing Reinvestment Zone Number One shall be appointed as follows:

- (a) Each taxing entity that levies taxes on real property in the zone may appoint one member of the board. The remaining members of the board shall be appointed by the City Council. A vacancy on the board shall be filled as set forth in the Act. If a taxing unit waives its right to appoint a member of the board, the City Council may appoint such board member in its stead. The initial board of directors shall be appointed by resolution of the governing bodies of the City and the taxing units as provided herein within sixty (60) days of the passage of this ordinance or within a reasonable time thereafter. All members appointed to the board shall meet eligibility requirements as set forth in the Act.
- (b) The terms of the board members shall be for two year terms. Each year the City Council shall designate a member of the board to serve as chairman of the board of directors, and the board shall elect from its members a vice chairman and other officers as it deems necessary.

- (c) The board of directors shall make recommendations to the City Council concerning the administration of the Zone. It shall prepare and adopt a project plan and reinvestment zone financing plan for the Zone and must submit such plans to the City Council for its approval. The board of directors shall possess all powers necessary to prepare, implement and monitor such project plan for the reinvestment zone as the City Council considers advisable, including the submission of an annual report on the status of the Zone.

**SECTION 5.** That the Zone shall take effect immediately, and that the termination of the Zone shall occur on December 31, 2033, or at an earlier time designated by subsequent ordinance of the City Council in the event the City determines that the Zone should be terminated due to insufficient private investment, accelerated private investment or other good cause, or at such time as all project costs and tax increment bonds, if any, and the interest thereon, have been paid in full.

**SECTION 6.** That the Tax Increment Base for the Zone, which is the total appraised value of all taxable real property located in the Zone, is to be determined as of January 1, 2002, the year in which the Zone was designated a reinvestment zone.

**SECTION 7.** That there is hereby created and established a Tax Increment Fund for the Zone which may be divided into such subaccounts as may be authorized by subsequent resolution or ordinance, into which all Tax Increments, less any of the amounts not required to be paid into the Tax Increment Fund pursuant to the Act, are to be deposited. The Tax Increment Fund and any subaccounts are to be maintained in an account at the City Treasurer's affiliated depository bank of the City and shall be secured in the manner prescribed by law. In addition, all revenues from the sale of any tax increment bonds and notes hereafter issued by the City, revenues from the sale of any property acquired as part of the tax increment financing plan and other revenues to be dedicated to and used in the Zone shall be deposited into such fund or subaccount from which money will be disbursed to pay project costs for the Zone or to satisfy the claims of holders of tax increment bonds or notes issued for the Zone.

**SECTION 8.** That all provisions of the Code of Ordinances of the City of Rowlett, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 9.** That should any word, phrase, paragraph, section or phrase of this ordinance or of the Code of Ordinances, as amended hereby, be held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be unconstitutional, illegal or invalid, and shall not affect the validity of the Code of Ordinances as a whole.

**SECTION 10.** That this ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

## Exhibit A

### TAX INCENTIVE FINANCE DISTRICT

Beginning at a point at the northeast corner of Rowlett Road and the Missouri, Kansas, and Texas Railroad (M.K. & T. Railroad); thence 610 feet ± Northeast along the northern right of way (ROW) line of the M.K.&T. Railroad; thence 350 feet ± North along the eastern property line of Lone Star Self Storage Block 1, L1-R; thence 90 feet ± Northwest across Melcer Drive, to the southeastern corner of Rowlett Business Park 2, Block 2, Lot 2; thence 250 feet ± West along the northern ROW line of Melcer Drive; thence 350 ± feet North along the western property line of Rowlett Business Park 2, Block 2, Lot 1; thence 720 feet ± East along the northern boundary of Rowlett Business Park 2 Addition; thence 200 feet ± North along the west ROW line of Industrial Street; thence 800 feet ± East along north ROW line of Industrial Street; thence 400 feet ± North along the eastern ROW line of Martin Drive; thence 120 feet ± Northeast across Lakeview Parkway to the most southeastern corner of the HiLo/ O'Reilly Rowlett Addition Block 1, Lot 2; thence 680 feet ± North along said eastern property line to the north ROW line of Big A Road; thence 1610 feet ± east along said ROW to the southeastern corner of the Big A Cemetery; thence 1160 feet ± North along eastern cemetery property line to the centerline of creek; thence 960 feet ± east along said creek to a point intersecting the western ROW of proposed President George Bush Turnpike (PGBT) Alignment 1; thence 1140 feet ± North to a point of intersection at the western ROW of proposed PGBT Alignment 1 and the centerline of Royal Bay Drive; thence 370 feet ± North along said ROW line to a point; thence 110 feet ± West to the centerline of Liberty Grove Road; thence 1110 feet ± North along said centerline to a point; thence 1270 feet ± Northwest along the northern boundary line of the Rowlett Ranch Estates Addition; thence 270 feet ± Northwest along the northern boundary line of the Rowlett Ranch Estates Addition; thence 580 feet ± Southwest along western boundary line of Rowlett Ranch Estates Addition; thence 1020 feet ± Northwest along the northeastern boundary line of the Rowlett Ranch Estates Addition No. 2 to a point; thence 900 feet ± North to a point; thence 170 feet ± Northeast to a point; thence 182 feet ± Northwest to the eastern most corner of Chandler Park No. 4 Addition; thence 270 feet ± Northeast along the southern property line of the Reason Crist Survey Abstract 225, Page 585, Tract 121 for a point; thence 280 feet ± North to a point located on the northeastern property line of said Tract 121; thence 2100 feet ± Northwest to the center line of Hickox Road; thence 4600 feet ± Northeast along said centerline to a point; thence 2990 feet ± Northwest to the northern most corner of Castle Park Estates Block 1, Lot 8; thence 1890 feet ± Southwest along the northwest boundary of Castle Park Estates to a point of the intersecting centerlines of Merritt Road and Castle Drive; thence 1900 feet ± Northwest along the centerline of Merritt Road to the northern most corner of the Samuel Compton Survey Abstract 368, Page 735, Tract 15; thence 850 feet ± Southwest to the southwest corner of the Samuel Compton Survey Abstract 368, Page 735, Tract 6; thence 1070 feet ± North along western property line of said tract to a point intersecting the northern City of Rowlett limits; thence 8330 feet ± East along northern City limits to a point ; thence 3190 feet ± South along the centerline of Muddy Creek to a point; thence 1120 feet ± South along the eastern property line of the James M. Hamilton Survey Abstract 544, Page 560, Tract 16.5 to a point; thence 200 feet ± Southwest to intersect the Lake Ray Hubbard Take Line for a point; thence 8090 feet ± South along said Take Line; thence 730 feet ± Southwest along Take Line to a point; thence 3140 feet ± Northwest along Take Line to the centerline of Liberty Grove Road for a point; thence 820 feet ± West along said centerline; thence 760 feet ± South along the eastern property line of the Reason Crist Survey Abstract 225, Page 585, Tract 58.6 to the northern boundary line of the Mariners Cove Addition Phase 2; thence 60 feet ± West along said boundary line to the Northwest corner of Mariner Cove Addition Phase 2; thence 2830 feet ± Southwest along the western boundaries of Mariners Cove Addition Phase 1 and Phase 2 to the centerline of Royal Bay Drive; thence 1980 feet ± South along the eastern ROW line of the proposed PGBT Alignment 1 to the north property line of Covington Nursery; thence 890 feet ± East along said Nursery property line; thence 620 feet ± South to the centerline of Lakeview Parkway (State Highway 66); thence 160 feet ± East along said centerline to a point; thence 780 feet ± South along western property line of the Advantage Self Storage Addition, Block A, Lot 1, to the centerline of the M.K.&T. Railroad; thence 1060 feet ± West along said centerline

to eastern ROW line of proposed PGBT Alignment 1; thence 820 feet ± South along eastern ROW line of PGBT Alignment 1 to the centerline of Main Street; thence 1660 feet ± South along said proposed PGBT Alignments 1 ROW to the southern property line of the Rowlett High School Addition; thence 2050 feet ± along the southern property line of said High School Addition; thence 1150 feet ± North along eastern property line of Rowlett High School Addition; thence 1420 feet ± East to the Lake Ray Hubbard Take Line; thence 1820 feet ± South along said Take Line to the northeast corner of the Johnson's Addition Block 1, Lot 1; thence 4300 feet ± West along the centerline of Miller Heights Drive to the proposed eastern ROW of PGBT; thence 5460 feet ± South along said eastern ROW to the southwestern corner of Harborview No. 3 Addition; thence 570 feet ± East along southern boundary of Harborview No. 3 Addition; thence 1690 feet ± Northeast along eastern boundary of Harborview No. 3 Addition; thence 670 feet ± Northeast along north property line of Oliver V. Ledbetter Abstract 790, Page 566, Tract 1.4 to the Lake Ray Hubbard Take Line; thence 4510 feet ± South along eastern peninsula Take Line; thence 1710 feet ± West along southern most peninsula Take Line; thence 970 feet ± North along western peninsula Take Line; thence 4630 feet ± North along proposed west ROW line of PGBT Alignment 1 to a point; thence 520 feet ± West along the north boundary of Magnolia Springs Phase 3B; thence 20 feet ± Northwest to the eastern boundary line of Magnolia Springs Phase 1; thence 790 feet ± North along said boundary line to the north ROW line of Miller Road; thence 140 feet ± Northwest along said ROW to a point at the southern most corner of Lake Country Estates 2 Block 1, Lot 1, also known as Stephens Elementary for a point of beginning; thence 680 feet ± North along said property line; thence 150 feet ± East to a southeastern corner of school property; thence 3100 feet ± North along eastern property line of Herfurth Park to the southern ROW line of Main Street; thence 160 feet ± Northeast to the southeastern corner of the Thomas Payne Survey, Abstract 1165, Page 360, Tract 15, property owned by the First United Methodist Church; thence 610 feet ± North along eastern property line of said church property to southern ROW line of the M.K.&T. Railroad. Thence continuing 3480 ± Southwest along the southern ROW line of the M.K.&T. Railroad to a point of beginning, and containing approximately 1737.76 acres of land.

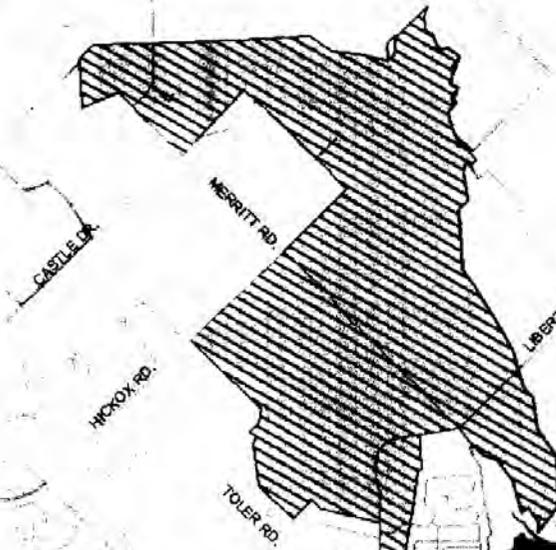
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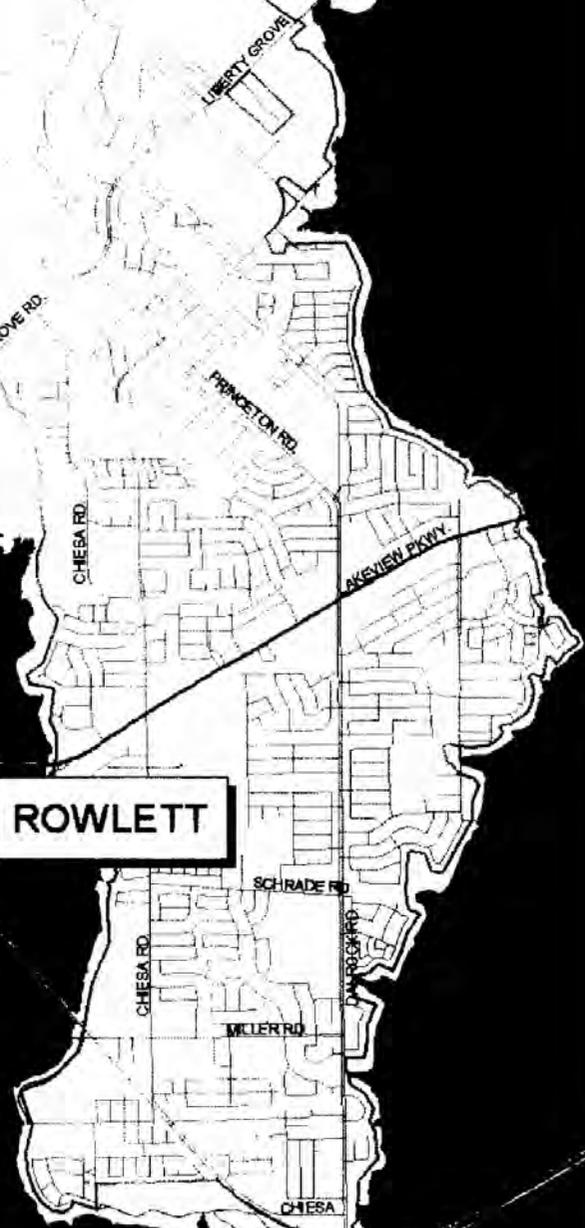
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DECEMBER 2, 2002

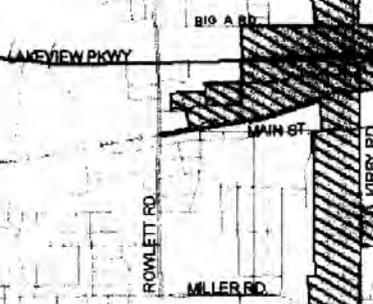
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ROWLETT

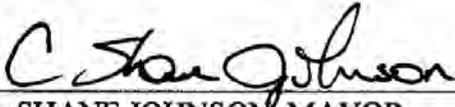


GARLAND

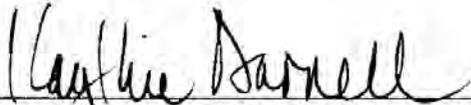


**DULY PASSED** by the City Council of the City of Rowlett, Texas, this the 17th day of December, 2002.

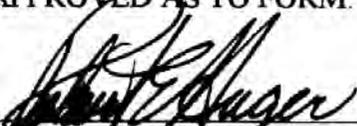
APPROVED:

  
C. SHANE JOHNSON, MAYOR

ATTEST:

  
KAYTHE DARNELL, CITY SECRETARY

APPROVED AS TO FORM:

  
ROBERT E. HAGER, CITY ATTORNEY  
(REH/cdb 12/17/02) (52617)



**NOTICE OF PUBLIC HEARING****7:30 P.M.****June 16, 2015****4000 Main Street****Rowlett, Texas 75088**

NOTICE is hereby given that the City Council of the City of Rowlett, Texas, will hold a public hearing at 7:30 p.m. on the 16th day of June, 2015 on the dissolution and termination of the Tax Increment Financing Reinvestment Zone Number One, City of Rowlett, Texas, which Zone is a tax increment reinvestment zone designated and created in accordance with Chapter 311, Texas Tax Code, by City of Rowlett Ordinance no. 12-17-02F on December 17, 2002, containing approximately 1,737.76 acres of land situated generally from the City's northernmost city limits extending through the downtown area and to the area known as Signature Gateway. A detailed description of the property to be included in the proposed zone is available at the Office of the Rowlett City Secretary at 4000 Main Street, Rowlett, Texas.

The City Council hearing will be held at the Municipal Center, 4000 Main Street, Rowlett, Texas. All interested persons are invited to attend the public hearing and express any comments for or against the termination of the zone.

Additional information may be obtained in the Rowlett Economic Development Department located at 4000 Main Street or by contacting staff at 972-463-3953.

*Stacey Chadwick*  
Deputy City Secretary  
City of Rowlett, Texas

NOTICE OF A PUBLIC HEARING OF THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS, WAS POSTED ON OR BEFORE THE 3rd DAY OF JUNE, 2015 PRIOR TO 5:00 PM, IN ACCORDANCE WITH STATE LAW.



City of Rowlett  
Staff Report

4000 Main Street  
P.O. Box 99  
Rowlett, TX 75030-0099  
www.rowlett.com

**AGENDA DATE:** 07/07/15

**AGENDA ITEM:** 7F

**TITLE**

Consider action approving a resolution amending the Master Fee Schedule for rate and fee changes to the Development Code Section for Plan Types associated with Form-Based Code Plan Review Fees.

**STAFF REPRESENTATIVE**

Marc Kurbansade, Director of Development Services

**SUMMARY**

The purpose of this item is to amend the Master Fee Schedule from an hourly rate to a flat fee for Form-Based Code plan review.

**BACKGROUND INFORMATION**

When the City Council adopted the Form-Based Code (FBC) in 2012 the requirement for an Urban Design Officer (UDO) was incorporated into the code. Section 1.4.5 of the FBC states the following in relation to the UDO:

*“An Urban Design Officer (UDO) will serve as a technical advisor to the City Manager and the DRC [Development Review Committee], and will have demonstrated experience with mixed-use, pedestrian-oriented development.*

*The UDO will be appointed by the City Manager upon recommendation of the Planning Director, and the cost of the UDO’s services will be borne by development fees paid to the City. The UDO will be assigned to advise on the use of this Chapter and to aid in the layout of properties and design of buildings based on this Chapter.”*

In 2013 the City Council authorized the City Manager to enter into an agreement with Townscape, Inc. to act as the City’s UDO. Recently, Townscape, Inc. informed Staff that they will no longer be available to offer UDO services on a consistent basis due to key associates relocating outside of the DFW Metroplex. The current fee scheduled for FBC plan review reflects an hourly rate specific to Townscape, Inc. and as such, must be revised.

**DISCUSSION**

Based on the way that “Urban Design Officer” is defined within the FBC (see above reference), it is Staff’s interpretation that the role of the UDO can be accomplished through either a third party consultant or a City employee if the employee possesses the appropriate amount of urban design experience and expertise. When the FBC was first adopted, a third party UDO was critical as Staff

was learning how to navigate the new process. However, after three years of working alongside Townscape, Inc. and after hiring Daniel Acevedo, Urban Design Manager, who is an accredited urban design professional, it is Staff's professional opinion that the UDO function can successfully be carried out by City Staff for the foreseeable future. Should there be a change in staffing, then the role of UDO will be reevaluated.

Since the current fee schedule reflects an hourly rate established by Townscape, Inc. it is necessary to change the fee structure to a flat rate. In making this conversion, it is not accurate to simply take Townscape's average review time and divide it by the Urban Design Manager's hourly salary rate. Since the current UDO structure involves a pass through cost to applicants, Staff has worked to create a review process that reduces the cost to the applicant to the greatest extent possible. To that end, Staff performs a detailed review and then asks the UDO to review the overarching elements of the plan in order to reduce their review time and in turn reduce costs to the applicant. This is important to note because while the UDO may average ten hours of review time on a project, the overall review time including Staff's time averages closer to 30 hours per project.

Since the City's Urban Design Manager will now be acting in the capacity of UDO, the entire review process will be conducted by City Staff. Therefore, Staff recommends that the flat rate be based on an average review time of 30 hours. When multiplied by \$50 that equates to \$1,500 for each plan type. A separate fee of \$250 will be established for standalone major warrants as they take significantly less time to review. An example of a standalone major warrant is a sign request for an existing building that is not directly tied to a formal plan submittal. All other major warrants are included within the \$1,500 flat rate and will not be a separate charge to the applicant. For purposes of comparison, based on an average review time of ten hours, applicants have been paying \$2,220 for each plan review under the current fee structure. However, since the fees are calculated on an hourly basis, the specific amounts vary considerably by project. By moving to the proposed flat rate fee structure, applicants will know their plan review costs upfront and will experience an overall reduction in fees. It is understood that some projects may take more or less time than others, but Staff is confident that the proposed flat rate will cover the average time associated with the FBC plan review process.

In addition to the abovementioned changes, since the adoption of the original fee schedule in 2013, additional plan types have been added to the FBC review process as reflected in the proposed amendment outlined below.

Currently the Master Fee Schedule indicates the following:

<b>Form Based Code Plan Review:</b>	
<b>RES-108-12 Framework Plan</b>	\$220 per hour, plus any applicable public notification fees
<b>RES-108-12 Regulating Plan</b>	\$220 per hour, plus any applicable public notification fees
<b>RES-108-12 Development Plan</b>	\$220 per hour, plus any applicable public notification fees

The proposed fee schedule is as follows:

<b>Form Based Code Plan Review:</b>	
<b>Framework Plan</b>	\$1,500
<b>Phased Master Plan</b>	\$1,500
<b>Regulating Plan</b>	\$1,500
<b>Development Plan</b>	\$1,500
<b>Standalone Major Warrants (3 or fewer) that are not addressed within one of the plan types listed above.</b>	\$250

### **FINANCIAL/BUDGET IMPLICATIONS**

Per the definition in the FBC, “*the cost of the UDO’s services will be borne by development fees paid to the City*”. To that end, Staff calculated the hourly rate for the Urban Design Manager position (\$50) and the average number of hours that FBC projects take to review including any major warrants that are incorporated into the submittal package (30 hours). By converting the fees to a flat rate versus an hourly rate, Staff will be able to provide applicants with a clear cost up front, which will reduce frustration amongst the development community. It is understood that some projects may take more or less time than others, but Staff is confident that the proposed fees will cover the average time associated with the FBC plan review.

### **RECOMMENDED ACTION**

Staff recommends that the City Council approve an amendment to the Master Fee Schedule to reflect a change in the Form-Based Code plan review fee structure.

### **RESOLUTION**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS, UPDATING THE MASTER FEE SCHEDULE TO AMEND THE FORM-BASED CODE PLAN REVIEW FEES IN THEIR ENTIRETY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Rowlett outlines the specific fees to be collected for Form-Based Code Development Review in the Master Fee Schedule; and

**WHEREAS**, the governing body of the City of Rowlett wishes to update the Master Fee Schedule to amend the amount of fees and to allow for the collection of fees not previously listed.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS:**

**Section 1:** That the Master Fee Schedule section “Development Code – Form-Based Code Plan Review” will be and is hereby updated to read as follows:

<b>Form-Based Code Plan Review:</b>	
<b>Framework Plan</b>	\$1,500
<b>Phased Master Plan</b>	\$1,500
<b>Regulating Plan</b>	\$1,500
<b>Development Plan</b>	\$1,500

<b>Form-Based Code Plan Review:</b>	
<b>Standalone Major Warrants (3 or fewer) that are not addressed within one of the plan types listed above.</b>	<b>\$250</b>

**Section 2:** This resolution shall become effective immediately upon its passage.



**City of Rowlett**  
**Staff Report**

4000 Main Street  
P.O. Box 99  
Rowlett, TX 75080-0099  
www.rowlett.com

**AGENDA DATE:** 07/07/15

**AGENDA ITEM:** 7G

**TITLE**

Consider action to approve an ordinance amending Section 70-241 of Chapter 70, Utilities, requiring mandatory connection to the City's sanitary sewer system for properties located within 300 feet of a sewer line.

**STAFF REPRESENTATIVE**

Marc Kurbansade, Director of Development Services

**SUMMARY**

The purpose of this item is to update the City Code of Ordinances pertaining to on-site sewage facilities (OSSF) and parameters for required connections to the City's sanitary sewer system. The Ordinance would do the following:

- 1) Where practical, all new development would be required to connect to an existing sanitary sewer system if this infrastructure is within 300 feet of the new development.
- 2) Where practical, within ten years of construction of new sanitary sewer facilities less than 300 feet away, existing OSSF's will be required to connect. Certain exceptions would apply.

**BACKGROUND INFORMATION**

In 2005, the City adopted the 2000 International Plumbing Code and incorporated language to require a property to connect to the City's sanitary sewer system and to decommission its OSSF when a sewer line becomes operational within 300 feet (Ordinance No. 22-05). However, the amendment was not included in the Ordinance when City Council adopted the 2006 International Plumbing Code in 2008. Furthermore, it was not included in the 2014 ordinances adopting the 2012 International Plumbing Code.

The requirements from the 2005 amendments are similar to what staff is proposing in this amendment. On March 10, 2015, staff presented a work session to [re]codify these requirements. At this work session, staff requested feedback from City Council regarding the parameters requiring property owners to remove their on-site sewage facility (OSSF) and connect to the City's sanitary sewer system. The general consensus from City Council was to use an incentive policy to the greatest extent possible and this ordinance amendment incorporates that direction.

Resolution #85-05 (Attachment 1) was adopted in 2005, which provided a policy that would allow the City to offer financial assistance to property owners so that they could decommission

an OSSF and connect to the City's sewer system. Staff will continue to use this policy as guidance for homeowner financial assistance for future connections.

## **DISCUSSION**

The intent of the proposed ordinance is twofold: First, all new development would be required to connect to an existing sanitary sewer system if this infrastructure is within 300 feet of the new development. Second, where practical, within ten years of construction of new sanitary sewer facilities less than 300 feet away, existing OSSF's will be required to connect. The exceptions to the required ten-year connection period for OSSF's are as follows:

- ❑ If an OSSF is decommissioned prior to the expiration of the ten-year period, then the connection shall be immediately required.
- ❑ Any construction of a new structure on the property shall require simultaneous connection.
- ❑ If an OSSF is less than three years old at the time a proximate sewer becomes operational, then the ten-year period may be extended for no more than five additional years.

The Director of Public Works always has the discretion to waive mandatory connection requirements due to operational constraints. An example of an operational constraint would be a sewer being constructed less than 300 feet from a home using OSSF, and that sewer is located at an elevation whereby gravity flow would not be possible and therefore financially impractical.

For reference, a strikeout/underline version of the Ordinance is included as Attachment 2.

## **FINANCIAL/BUDGET IMPLICATIONS**

There are a small number of properties that presently have an OSSF that could connect to the City's sanitary sewer system. This will result in these properties paying City sanitary sewer utility fees. However, the fiscal impact on the City is expected to be inconsequential in the near term given that the properties affected by this ordinance will be given some time to connect to the sanitary sewer system. A greater fiscal impact will involve the policies that provide assistance to finance the cost of connecting to the sanitary system.

## **RECOMMENDED ACTION**

Move to approve an ordinance amending Chapter 70, Utilities; Article III, Sanitary Sewer System; Division 4, Rates, Charges, Billing Procedure, creating a new Section 70-241, Mandatory connection to sewer system; fees for connection; in order to provide provisions for connections to sanitary sewer facilities.

## **ORDINANCE**

**AN ORDINANCE OF THE CITY OF ROWLETT, TEXAS, AMENDING THE CODE OF ORDINANCES, CITY OF ROWLETT, TEXAS, BY AMENDING DIVISION 4 ("RATES, CHARGES, BILLING PROCEDURE") OF ARTICLE III ("SANITARY SEWER SYSTEM") OF CHAPTER 70 ("WATER, SEWER AND SEWAGE DISPOSAL") TO AMEND SECTION 70-241**

**MANDATING CONNECTION TO THE CITY'S SANITARY SEWER SYSTEM WITHIN TEN YEARS OF WHEN SEWER LINES WITHIN 300 FEET OF PROPERTY BECOME OPERATIONAL; REQUIRING THAT ON-SITE SEWAGE FACILITIES BE DECOMMISSIONED; PROVIDING EXCEPTIONS TO THE TEN-YEAR CONNECTION PERIOD; PROVIDING FOR THE ADMINISTRATION OF POLICY TO FINANCE NEW CONNECTIONS; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.**

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS:**

**SECTION 1.** That Division 4 ("Rates, Charges, Billing Procedure") of Article III (Sanitary Sewer System"), of Chapter 70 (Utilities") of the Code of Ordinances, City of Rowlett, Texas, be and is hereby amended to replace Section 70-241 with a new Section 70-241, without amendment, repeal or change to any other section, part or provision of Division 4 or Article III, such that Section 70-241 shall hereafter read in its entirety as follows:

**"CHAPTER 70**

**UTILITIES**

...

**ARTICLE III. SANITARY SEWER SYSTEM**

...

**DIVISION 4. RATES, CHARGES, BILLING PROCEDURE**

**Sec. 70-241. Mandatory connection to sewer system; fees for connection.**

- (a) All owners and occupants of property, where the property line is located within 300 feet of a sanitary sewer line, are required to connect to and use the City's sanitary sewer system for the protection of the public health and welfare of the inhabitants of the City. No building or structure receiving water from any source shall hereafter be constructed or occupied in the City unless the building or structure is connected to and serviced by the City's sanitary sewer system, unless there is no sanitary sewer line within 300 feet of the property line.
- (b) Existing structures utilizing an on-site sewage facility (OSSF) or septic tank shall connect to the City's sanitary sewer system if and when a City sewer line located within 300 feet of the property line becomes operational. Any OSSF or septic tank shall thereafter be decommissioned in accordance with state laws and regulations.

- (c) Prior to connection to the City's sewer system, the owner or occupant of the property shall pay the City the sum established by resolution of the City Council for each four-inch sewer tap. All sewer taps over six feet deep will be done at an extra cost to the customer of an amount per foot of depth beyond six feet as established by resolution of the City Council. The City will not install longer sewer services under streets. A licensed professional must be hired by the owner or occupant to install long sewer services under City supervision at the expense of the owner or occupant. Open cut of the street is prohibited.
  
- (d) Connection to the City sewer system shall occur within ten (10) years after a City sewer line that is located within 300 feet of the property line becomes operational, unless:
  - (1) an OSSF or septic tank serving the property is decommissioned prior to the expiration of the ten-year period, in which event connection to the City's sewer system shall be immediate;
  - (2) connection shall occur simultaneously with the commencement of construction if a building permit is issued for a new structure or building located on the property;
  - (3) the property is served by an OSSF or septic tank that is less than three (3) years old at the time that a proximate sewer line becomes operational; the ten-year period may be extended for no more than an additional five (5) years upon approval of the director of public works or his designee; or
  - (4) due to operational requirements or constraints, the director of public works determines that a longer or shorter period is necessary.
  
- (e) The director of public works is authorized to implement a policy to assist property owners and occupants in financing the cost of sewer connections under terms and conditions set forth in a policy adopted by resolution."

**SECTION 2.** That all ordinances of the City of Rowlett, Texas, in conflict with the provisions of this ordinance be and the same are hereby repealed and all other ordinances of the City of Rowlett not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 3.** That an offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

**SECTION 4.** That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision hereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

**SECTION 5.** That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Rowlett, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense; and each and every day said violation continues shall constitute a separate offense.

**SECTION 6.** This ordinance shall take effect from and after its passage and the publication of the caption as the law and Charter in such cases provide.

#### **ATTACHMENTS**

Attachment 1 – Resolution 85-05

Attachment 2 – Section 70-241, Strikethrough and Underline



# City of Rowlett

## Official Copy

Resolution: 2005-194

City of Rowlett  
4000 Main Street  
P.O. Box 99  
Rowlett, TX 75030  
www.ci.rowlett.tx.us

**File Number: 2005-194**

**Enactment Number: RES-85-05**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS, AUTHORIZING A POLICY ESTABLISHING REQUIREMENTS FOR MANDATORY CONNECTION TO CITY SANITARY SEWER WITHIN THE CITY OF ROWLETT, TEXAS; PROVIDING TERMS AND CONDITIONS PROVIDING FOR DECOMMISSION OF SEPTIC SYSTEMS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Rowlett, Texas is interested in improving the sanitary sewer system, and

**WHEREAS**, the most efficient way to accomplish this goal is through an established process that provides order, timing, and uniform treatment, and

**WHEREAS**, establishment of a policy will promote that process, and

**WHEREAS**, upon full review and consideration of the attached policy and all matters related thereto, the City Council is of the opinion and finds that the terms and conditions thereof should be implemented in the City of Rowlett, Texas.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS;**

**Section 1.** That the Policy attached hereto and incorporated herein as Exhibit A having been reviewed by the City Council of the City of Rowlett, Texas, and found to be acceptable and in the best interest of the City and its citizens, be, and the same is hereby, in all things approved and adopted.

**Section 2.** That the Policy is operational in nature and may be amended, changed or updated by staff as operational issues and priorities indicate in accordance with said policy.

**Section 3.** This Resolution shall become effective immediately upon its passage.

I, Susie Quinn, City Secretary certify that this is a true copy of Resolution No. 2005-194, passed by the City Council on 5/3/2005.

**Ayes: 7** Mayor Johnson, Mayor Pro Tem Sebastian, Deputy Mayor Pro Tem Mahnken, Councilmember Alberts, Councilmember Bryan, Councilmember Maggiotto and Councilmember Rushing

Approved by Shane Johnson Date 5/3/05  
Mayor

Approved to Form by Robert Meyer Date 5/3/05  
City Attorney

Certified by Austin Lunn Date 5/3/05  
City Secretary





## Mandatory Sewer Connection policy

EFFECTIVE DATE \_\_\_\_\_

### Goal:

Establish a uniform and consistent manner to remove private on-site septic systems and connect house sewers to the City's sewer system as that system becomes available.

### Definitions:

- City – The City of Rowlett, Texas
- House sewer – Interior drain and waste piping of a dwelling extending to a point three feet outside of the dwelling exterior.
- On-site septic system – all components of private sewage treatment systems including holding tanks (primary, secondary, pumping and similar tanks containing raw or treated sewage), discharge piping, lateral line piping, leaching field lines, pumps, compressors and aeration devices (low dosing drip irrigation systems, sprinkler heads, irrigation piping)
- Property owner – The record owner of the private property containing the on-site septic system.
- Sewer lateral – the piping connecting the house sewer to the sewer main.
- Sewer main – The collection piping of the city owned sanitary sewer system
- Tap, tie-in, connection – The junction of a private sewer lateral to the sewer main.

### Implementation:

The City continues to improve and expand the service area of sanitary sewer main. As this expansion continues, system performance is relative to the amount of flow in gravity fall lines. In order to ensure adequate flow in the sewer main, mains extended into existing subdivisions heretofore without sewer mains shall trigger requirements to abandon on-site septic systems and connect to the sewer main. It is in the best interest of the community that all septic systems be abandoned as soon as practical after the completion of the sewer main, so this policy and fees should provide incentive for those tie-ins. All work in public Rights of way shall conform with Public Works General Construction Specifications. All work on private property shall conform with the International Plumbing Code.

### Timing of connection:

Connection to the City system shall be in accordance with the plumbing code.

**Connection costs:**

- All decommission and connection costs shall be the responsibility of the property owner.
- All costs shall be paid prior to time of connection.
- City financed cost:
  - Within twenty-four (24) months (a connection incentive) - Within twelve months of completion and acceptance of the sewer main, the property owner may request that the City pay the initial costs to connect to the sewer main and decommission the on-site septic system. Property owner shall repay the city for initial costs. Such agreement shall carry the following terms:
    - A standard agreement/contract shall be executed between the property owner and the City;
    - Payment shall be by the utility bill and failure to pay may result in the city exercising all remedy for non-payment;
    - Repayment terms shall be selected from thirty-six (36), sixty (60), one-hundred-twenty (120), or one-hundred-eighty (180) month schedules;
    - No payments shall be due the first twelve months of the agreement. Agreement term will begin after the twelve month deferment period.
    - No Interest shall be charged.
    - A lien shall be filed on the property and the shall bear interest. The annual interest rate shall be the prevailing rate on all similar agreements or liens at the time of agreement, but not less than five percent (5%);
    - Upon payment in full, the City shall release the lien and file same with the County Clerk's office.
  - After twenty-four months – No costs for connection will be financed by the City after two years of the sewer being placed in service.
- No impact fees will be charged unless the subdivision was assessed impact fees upon final platting.
- Tap Fees (an incentive to connect the first year after completion and acceptance)
  - \$0.00 - No tap fees shall be charged for connection within the first twenty-four (24) months after completion and acceptance of the sewer main.
  - Tap fees shall be charged according to the adopted fee schedule after that initial twenty-four (24) year period.

**Records:**

Identified land parcels not currently served by sewer mains shall be recorded within the City's Geographical Information System (GIS). Areas receiving new sewer main extensions shall be flagged in the GIS and Building Inspection Department records to track connections and decommissioning of on site septic systems. Plumbing permits issued for taps shall be copied to GIS, Utility Billing and the Public Works and Utilities Departments for their use.

The City Manager or designee shall make operational interpretations in order to protect the health, safety and welfare of the City of Rowlett.

## CHAPTER 70

## UTILITIES

## ARTICLE III. SANITARY SEWER SYSTEM

## DIVISION 4. RATES, CHARGES, BILLING PROCEDURE

**~~Sec. 70-241. -- Fee for connection to sewer system.~~**

~~Prior to making any connection to the sewer system of the city, the person desiring such service shall pay the city the sum established by resolution of the city council for each four-inch sewer tap. All sewer taps over six feet deep will be done at an extra cost to the customer of an amount per foot of depth beyond six feet as established by resolution of the city council. The city will not install longer sewer services under streets. A builder or contractor will have to be hired by the person desiring sewer service to do long sewer services at their expense under city supervision. Open cut of the street will not be allowed.~~

**Sec. 70-241. Mandatory connection to sewer system; fees for connection.**

- (a) All owners and occupants of property, where the property line is located within 300 feet of a sanitary sewer line, are required to connect to and use the city's sanitary sewer system for the protection of the public health and welfare of the inhabitants of the city. No building or structure receiving water from any source shall hereafter be constructed or occupied in the City unless the building or structure is connected to and serviced by the City's sanitary sewer system, unless there is no sanitary sewer line within 300 feet of the property line.
- (b) Existing structures utilizing an on-site sewage facility (OSSF) or septic tank shall connect to the City's sanitary sewer system if and when a city sewer line located within 300 feet of the property line becomes operational. Any OSSF or septic tank shall thereafter be decommissioned in accordance with state laws and regulations.
- (c) Prior to connection to the city's sewer system, the owner or occupant of the property shall pay the city the sum established by resolution of the city council for each four-inch (4") sewer tap. All sewer taps over six feet deep will be done at an extra cost to the customer of an amount per foot of depth beyond six feet as established by resolution of the city council. The city will not install longer sewer services under streets. A licensed professional must be hired by the owner or occupant to install long sewer services under city supervision at the expense of the owner or occupant. Open cut of the street is prohibited.
- (d) Connection to the city sewer system shall occur within ten (10) years after a city sewer line that is located within 300 feet of the property line becomes operational, unless:

- (1) An OSSF or septic tank serving the property is decommissioned prior to the expiration of the ten-year period, in which event connection to the city's sewer system shall be immediate.
  - (2) Connection shall occur simultaneously with the commencement of construction if a building permit is issued for a new structure or building located on the property.
  - (3) If the property is served by an OSSF or septic tank that is less than three (3) years old at the time that a proximate sewer line becomes operational, the ten-year period may be extended for no more than an additional five (5) years upon approval of the director of public works or his or her designee.
  - (4) Due to operational requirements or constraints, the director of public works or his or her designee determines that a longer or shorter period is necessary.
- (e) The director of public works or their designee is authorized to implement a policy to assist property owners and occupants in financing the cost of sewer connections under terms and conditions set forth in a policy adopted by resolution.



City of Rowlett  
Staff Report

4000 Main Street  
P.O. Box 99  
Rowlett, TX 75080-0099  
www.rowlett.com

**AGENDA DATE:** 07/07/15

**AGENDA ITEM:** 7H

**TITLE**

Consider a resolution approving a tree mitigation plan and related tree removal permit application for more than three trees associated with Platinum Storage located at 7301 Lakeview Parkway. (Case Number DP15-776).

**STAFF REPRESENTATIVE**

Garrett Langford, AICP, Principal Planner

**SUMMARY**

This is a request to remove more than three protected trees from a 5.526 acre lot located at 7301 Lakeview Parkway. (Attachment 1 Location Map). The applicant is proposing to remove 15 protected trees totaling 198 caliper inches while preserving six protected trees totaling 148 caliper inches (Attachment 2 – Tree Survey and Preservation Plan) requiring mitigation of 50 caliper inches. The applicant is proposing to mitigate 50 caliper inches by paying a fee in lieu of planting in the amount of \$6,083.50.

The Planning and Zoning Commission voted unanimously to recommend approval of this item at their June 9, 2015, meeting. The discussion can be viewed at the following link as item C3: <http://rowlettx.swagit.com/play/06092015-1189>.

**BACKGROUND INFORMATION**

The subject property is a 5.526 acre lot located at the northwest corner of Lakeview Parkway and Chiesa Road behind the RaceTrac fueling station. The property was rezoned to a Planned Development in February 2015 to allow a self-storage facility. Approval of the Development Plan (which includes site plan, landscape plan, façade plan and photometric plan) cannot be approved until the tree mitigation plan is approved by City Council.

The subject property contains a total of 52 trees, 21 of which are protected and the remaining 31 are unprotected trees. The applicant is proposing to remove 15 protected trees totaling 198 caliper inches while preserving six protected trees totaling 148 caliper inches. The 148 caliper inches preserved count as credit towards mitigating the 198 caliper inches being removed. This leaves 50 caliper inches to mitigate. The applicant is proposing to pay a fee in lieu of planting replacement trees. It is staff's opinion that the requested tree removal is necessary to allow the proposed development. Staff finds all of the trees (protected and unprotected) that will not be disturbed by the proposed development are being preserved. Staff concurs that for the sake of healthy plant growth, additional trees are not advisable beyond the proposed landscaping on site.

Chapter 77, Section 504, Subsection H of the Rowlett Development Code allows two additional options to be used at the Council's discretion in lieu of mitigating on site:

1. Replacement trees may be planted off site in areas or locations approved by the City Council upon recommendation from the Planning and Zoning Commission and may be planted:
  - a. Within a specified City-designated park or other City-owned property or facility;
  - b. Within a specified private open space (i.e. private park, preserve, or similar property that is open for public use); or
  - c. Within a specified public right-of-way median.
2. In lieu of planting replacement trees, the City Council, upon recommendation from the Planning and Zoning Commission, may approve a request to pay tree mitigation fees. The City Council has the authority to waive or reduce mitigation fees as they see fit.

In this case, the total mitigation fees would be approximately **\$6,083.50**. This is calculated using the \$121.67 per replacement inch as adopted by the Master Fee Schedule.

## **DISCUSSION**

Per section 77-508. H of the Rowlett Development Code, "Tree preservation". The purpose of tree preservation is as follows:

1. Purpose. The purpose of this section is to encourage the preservation of long-established trees of sizes that, once removed, can be replaced only after many generations of tree growth; to preserve protected trees during construction; and to control the removal of protected trees. It is the intent of this section to achieve the following:
  - (a) Prohibit the indiscriminate clearing of trees from property;
  - (b) To the greatest extent possible, preserve and maintain protected trees so as to enhance the quality of development;
  - (c) Protect and increase the value of residential and commercial properties within the City by maintaining the City's current tree inventory;
  - (d) Maintain and enhance a positive image for the attraction of new business enterprises to the City;
  - (e) Protect healthy quality trees and promote the natural ecological environmental and aesthetic qualities of the City; and
  - (f) Help provide needed shaded areas in order to provide relief from the heat by reducing the ambient temperature.

The City Council shall deny a tree removal permit and associated tree survey and preservation plan if it is determined that:

1. Removal of the tree is not reasonably required in order to conduct anticipated activities;
2. A reasonable accommodation can be made to preserve the tree; or
3. The purpose and intent of this subchapter is not being met by the applicant.

The proposed tree removal is needed in order to conduct anticipated activities on the site and no reasonable accommodation could be made. To deny the removal will require the developer to substantially re-configure their proposed development. Staff recommends approval of the fee in lieu to mitigate 50 caliper inches. The collected funds will be dedicated to the City's reforestation fund.

## **FISCAL IMPACT**

There will be a fiscal impact as \$6,083.50 will be contributed to the City's reforestation fund.

## **RECOMMENDED ACTION**

Staff requests that the City Council approve a resolution granting approval of a tree mitigation plan and related tree removal permit application for more than three trees.

## **RESOLUTION**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS, GRANTING APPROVAL OF A TREE SURVEY / PRESERVATION PLAN AND ACCOMPANYING TREE REMOVAL PERMIT FOR A 5.5366 +/- ACRE TRACT OF REAL PROPERTY GENERALLY LOCATED AT 7301 LAKEVIEW PARKWAY, AND DESCRIBED AS BLOCK A, LOT 2 RACETRAC ADDITION, CITY OF ROWLETT, DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A," IN THE CITY OF ROWLETT, DALLAS COUNTY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Planning and Zoning Commission of the City of Rowlett and the governing body of the City of Rowlett, in compliance with the laws of the State of Texas and the ordinances of the City of Rowlett, have given the requisite notices by publication and otherwise, and where the governing body have legislative discretion and has concluded that this resolution is in the best interest of the City of Rowlett;

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS:**

**Section 1:** That the City Council of the City of Rowlett, Texas, hereby finds and determines that a proposed tree removal permit is needed in order to conduct anticipated development activities on the site and no reasonable accommodation could be made.

**Section 2:** That the property described in Exhibit "A", attached hereto and incorporated herein, consisting of a 5.5366 +/- acre tract of real property generally located at 7301 Lakeview Parkway, and described as Block A, Lot 2 Racetrac Addition, City of Rowlett, Dallas County, Texas, and being more particularly described in Exhibit "A", attached hereto and incorporated herein, be and is hereby granted approval of a Tree Survey/Preservation Plan (Exhibit "B") and accompanying Tree Removal Permit subject to the following conditions:

1. All required mitigation fees shall be collected prior to issuance of the tree removal permit and deposited into the City's reforestation fund.

**Section 3:** That should any sentence, paragraph, subdivision, clause, phrase or section of this resolution be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this resolution as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal, or unconstitutional.

**Section 4:** That this resolution shall take effect immediately from and after its passage and the publication of the caption of said resolution as the law in such case provides.

**ATTACHMENTS**

Exhibit A – Legal Description

Exhibit B – Tree Survey and Preservation Plan

Attachment 1 – Location Map

**METES AND BOUNDS**

BEING ALL OF LOT 2, BLOCK A OF RACETRAC ADDITION, AN ADDITION TO THE CITY OF ROWLETT, DALLAS COUNTY, TEXAS, RECORDED IN INSTRUMENT NO. 200900167566 OF THE MAP RECORDS OF DALLAS COUNTY, TEXAS, AND SAID LOT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A CROSS CUT AT THE SOUTH CORNER OF LOT 1 OF SAID ADDITION; SAID POINT BEING IN THE NORTHWEST R.O.W. LINE OF LAKEVIEW PARKWAY (STATE HIGHWAY 66 – A VARIABLE WIDTH R.O.W.); THENCE S 56°14'32" W, 159.96' ALONG THE NORTHWEST LINE OF LAKEVIEW PARKWAY TO A 1/2" IRON ROD FOUND AT THE EAST CORNER OF THAT SAME TRACT OF LAND DESCRIBED IN DEED TO J. DOMINGUE AND P. MITCHELL, RECORDED IN INSTRUMENT NO. 201200340913 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS;

THENCE N 33°41'28" W, ALONG THE NORTHEAST LINE OF SAID J. DOMINGUE AND P. MITCHELL PROPERTY, AT 209.50' PASSING THE PRESENT EAST CORNER OF THE REMAINDER OF LOT 1, BLOCK 1 OF PURE HEART FELLOWSHIP ADDITION, AN ADDITION TO THE CITY OF ROWLETT, TEXAS, RECORDED IN VOLUME 2000178, PAGE 1161 OF THE MAP RECORDS OF DALLAS COUNTY, TEXAS, AND CONTINUING A TOTAL DISTANCE OF 804.30' TO A 3/4" IRON ROD FOUND FOR CORNER IN THE SOUTH LINE OF LAKEVIEW MEADOWS ESTATES, SECTION ONE, AN ADDITION TO THE CITY OF ROWLETT, TEXAS, RECORDED IN VOLUME 73058, PAGE 1466 OF THE MAP RECORDS OF DALLAS COUNTY, TEXAS;

THENCE N 89°17'49" E, 818.79' ALONG THE SOUTH LINE OF SAID LAKEVIEW MEADOWS ESTATES ADDITION TO A 3/4" IRON ROD SET FOR CORNER IN THE WEST R.O.W. LINE OF CHIESA ROAD (A VARIABLE WIDTH R.O.W.);

THENCE S 01°02'36" E, 164.28' ALONG THE WEST LINE OF CHIESA ROAD TO A 3/4" IRON ROD SET AT THE NORTHEAST CORNER OF THE AFOREMENTIONED LOT 1, BLOCK A OF RACETRAC ADDITION;

THENCE S 89°17'49" W, 180.01' ALONG THE NORTH LINE OF SAID LOT 1 TO A 3/4" IRON ROD SET FOR CORNER;

THENCE S 55°37'58" W, 293.10' ALONG THE NORTHWEST LINE OF SAID LOT 1 TO A 3/4" IRON ROD SET FOR CORNER;

THENCE S 34°45'35" E, 314.59' ALONG THE SOUTHWEST LINE OF SAID LOT 1 TO THE POINT OF BEGINNING AND CONTAINING 241,174.39 SQUARE FEET OR 5.5366 ACRES OF LAND.

appr. by:  
drawn by:  
date: 06-02-15

revisions  
06-04-15  
06-05-15



TREE SURVEY and  
PRESERVATION PLAN

PLATINUM SELF-STORAGE  
CHEISA ROAD at LAKEVIEW PARKWAY  
ROWLETT, TEXAS

file name:  
c:\Rowlett-Storage\Wd-base\_RowlettStorage.dwg  
sheet  
TS-1

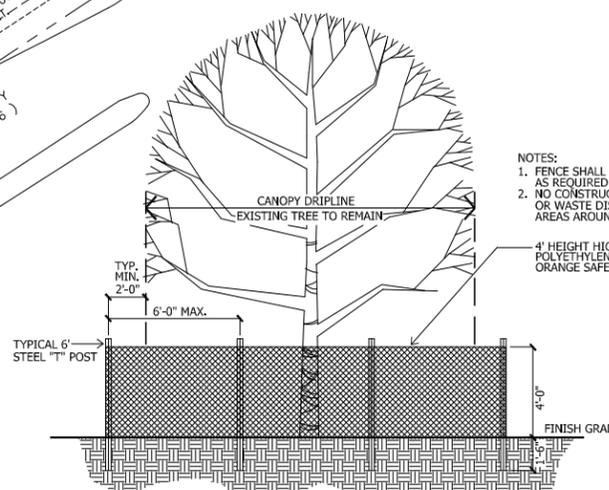
EXISTING TREES

#	DBH	COMMON NAME	GENUS/SPECIES	CONDITION	HT.	CANOPY PRESERVE	REMOVE
1	48"	AMERICAN ELM	ULMUS AMERICANA	GOOD	55'	60'	X
2	15"	HACKBERRY	CELTIS OCCIDENTALIS	AVERAGE	45'	18'	X
3	20"	MULBERRY	MORUS ALBA	DECLINE	45'	22'	X
4	28"	CATALPA	CATALPA BIGNONIOIDES	AVERAGE	48'	22'	X
5	18"	HACKBERRY	CELTIS OCCIDENTALIS	AVERAGE	44'	22'	X
6	8"	HACKBERRY	CELTIS OCCIDENTALIS	GOOD	15'	14'	X
7	10"	HACKBERRY	CELTIS OCCIDENTALIS	GOOD	32'	16'	X
8	5"	HACKBERRY	CELTIS OCCIDENTALIS	GOOD	14'	9'	X
9	6"	HACKBERRY	CELTIS OCCIDENTALIS	GOOD	15'	10'	X
10	6"	HACKBERRY	CELTIS OCCIDENTALIS	GOOD	16'	8'	X
11	12"	AMERICAN ELM	ULMUS AMERICANA	GOOD	32'	14'	X
12	14.5"	CATALPA	CATALPA BIGNONIOIDES	GOOD	26'	14'	X
13	4.5"	AMERICAN ELM	ULMUS AMERICANA	GOOD	13'	9'	X
14	10.5"	DT AMERICAN ELM	ULMUS AMERICANA	GOOD	35'	11'	X
15	16"	TT AMERICAN ELM	ULMUS AMERICANA	GOOD	36'	13'	X
16	6"	HACKBERRY	CELTIS OCCIDENTALIS	GOOD	22'	14'	X
17	24"	HACKBERRY	CELTIS OCCIDENTALIS	AVERAGE	36'	24'	X
18	12"	HACKBERRY	CELTIS OCCIDENTALIS	GOOD	30'	24'	X
19	10"	HACKBERRY	CELTIS OCCIDENTALIS	GOOD	16'	15'	X
20	3"	HACKBERRY	CELTIS OCCIDENTALIS	GOOD	12'	8'	X
21	3"	HACKBERRY	CELTIS OCCIDENTALIS	GOOD	13'	8'	X
22	3"	HACKBERRY	CELTIS OCCIDENTALIS	GOOD	12'	8'	X
23	21"	DT HACKBERRY	CELTIS OCCIDENTALIS	GOOD	40'	32'	X
24	28"	ARIZONA ASH	FRAXINUS VELUTINA	AVERAGE	40'	32'	X
25	6"	HACKBERRY	CELTIS OCCIDENTALIS	GOOD	14'	9'	X
26	7.5"	TT TEXAS MNT LAUREL	SOPHORA SECUNDIFLORA	GOOD	12'	9'	X
27	12"	HACKBERRY (LEANING)	CELTIS OCCIDENTALIS	POOR	10'	20'	X
28	6"	HACKBERRY	CELTIS OCCIDENTALIS	GOOD	14'	7'	X
29	4"	CEDAR ELM	ULMUS CRASSIFOLIA	GOOD	13'	6'	X
30	8"	DT EASTERN RED CEDAR	JUNIPERUS VIRGINIANA	GOOD	13'	12'	X
31	6"	EASTERN RED CEDAR	JUNIPERUS VIRGINIANA	GOOD	14'	14'	X
32	6"	EASTERN RED CEDAR	JUNIPERUS VIRGINIANA	GOOD	14'	12'	X
33	8"	EASTERN RED CEDAR	JUNIPERUS VIRGINIANA	GOOD	14'	12'	X
34	5"	EASTERN RED CEDAR	JUNIPERUS VIRGINIANA	GOOD	13'	11'	X
35	4"	EASTERN RED CEDAR	JUNIPERUS VIRGINIANA	GOOD	11'	12'	X
36	14"	EASTERN RED CEDAR	JUNIPERUS VIRGINIANA	GOOD	13'	15'	X
37	6"	DT EASTERN RED CEDAR	JUNIPERUS VIRGINIANA	GOOD	13'	12'	X
38	6"	EASTERN RED CEDAR	JUNIPERUS VIRGINIANA	GOOD	14'	11'	X
39	6"	HACKBERRY	CELTIS OCCIDENTALIS	AVERAGE	12'	9'	X
40	4"	TEXAS MNT LAUREL	SOPHORA SECUNDIFLORA	AVERAGE	11'	8'	X
41	6"	EASTERN RED CEDAR	JUNIPERUS VIRGINIANA	GOOD	11'	8'	X
42	4"	EASTERN RED CEDAR	JUNIPERUS VIRGINIANA	GOOD	9'	7'	X
43	12"	DT TEXAS ASH	FRAXINUS TEXENSIS	GOOD	14'	14'	X
44	9"	DT BOIS D'ARC	MACLURA POMIFERA	GOOD	12'	10'	X
45	5"	EASTERN RED CEDAR	JUNIPERUS VIRGINIANA	GOOD	12'	9'	X
46	8"	EASTERN RED CEDAR	JUNIPERUS VIRGINIANA	GOOD	9'	8'	X
47	6"	HACKBERRY	CELTIS OCCIDENTALIS	GOOD	13'	10'	X
48	4.5"	CEDAR ELM	ULMUS CRASSIFOLIA	GOOD	14'	10'	X
49	5"	TEXAS ASH	FRAXINUS TEXENSIS	GOOD	13'	10'	X
50	8"	EASTERN RED CEDAR	JUNIPERUS VIRGINIANA	GOOD	14'	10'	X
51	6"	CEDAR ELM	ULMUS CRASSIFOLIA	GOOD	11'	12'	X
52	5"	HACKBERRY	CELTIS OCCIDENTALIS	GOOD	15'	12'	X

MITIGATION TOTALS

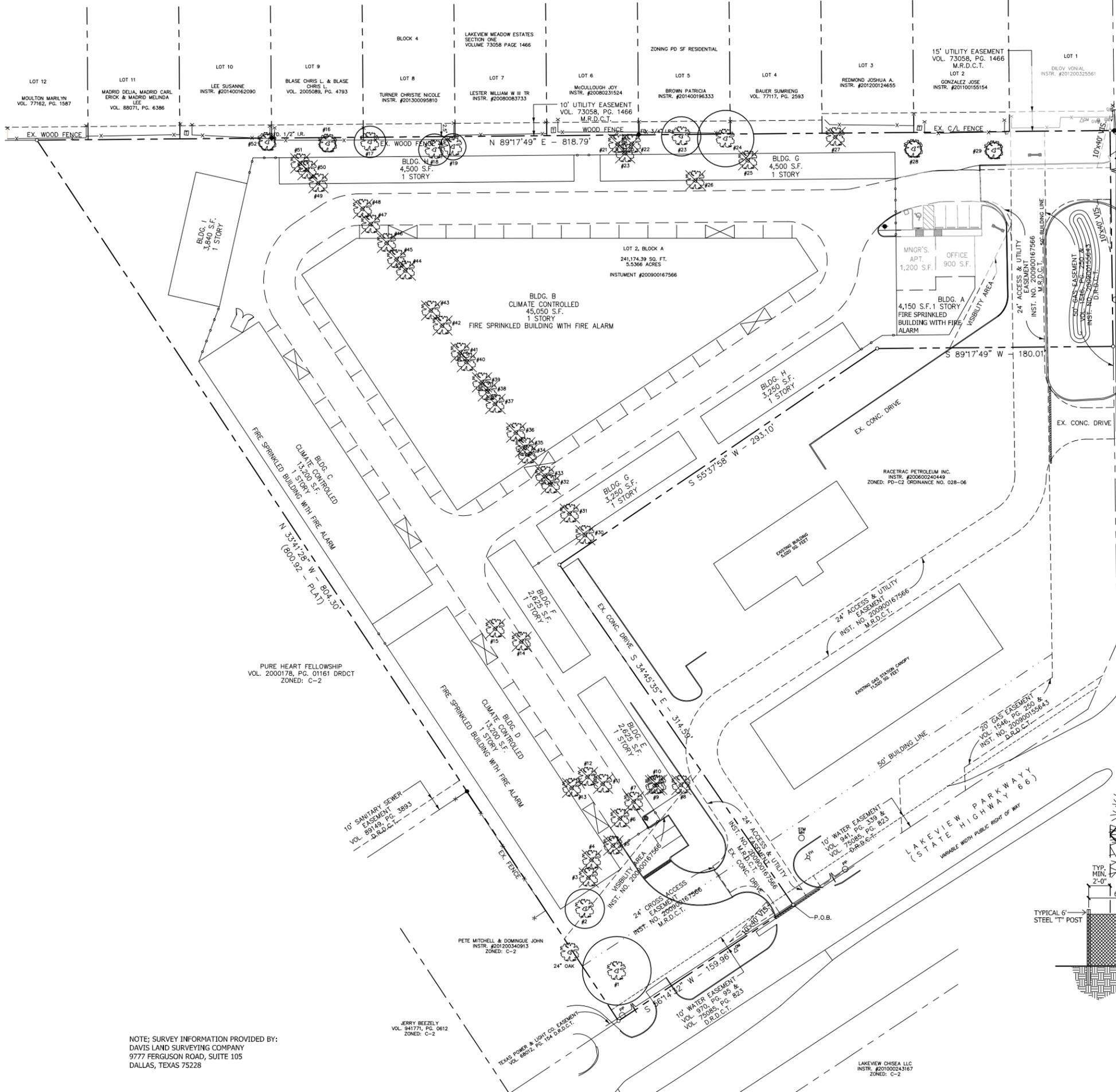
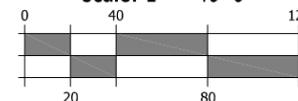
TOTAL PROTECTED TREES	346"
TOTAL TREES REMOVED	-198"
TOTAL TREES PROTECTED	+148"
PROPOSED 4" TREES	0 TREES x 4" = +0"
TOTAL MITIGATION REQUIRED	50"
MITIGATION FEE	50" X \$121.67 = \$ 6,083.50

- NOTES:  
1. FENCE SHALL BE MAINTAINED AND REPAIRED AS REQUIRED DURING ALL PHASES OF CONSTRUCTION  
2. NO CONSTRUCTION TRAFFIC, GRADING, STORAGE, OR WASTE DISPOSAL ALLOWED WITHIN FENCED AREAS AROUND EXISTING TREES.



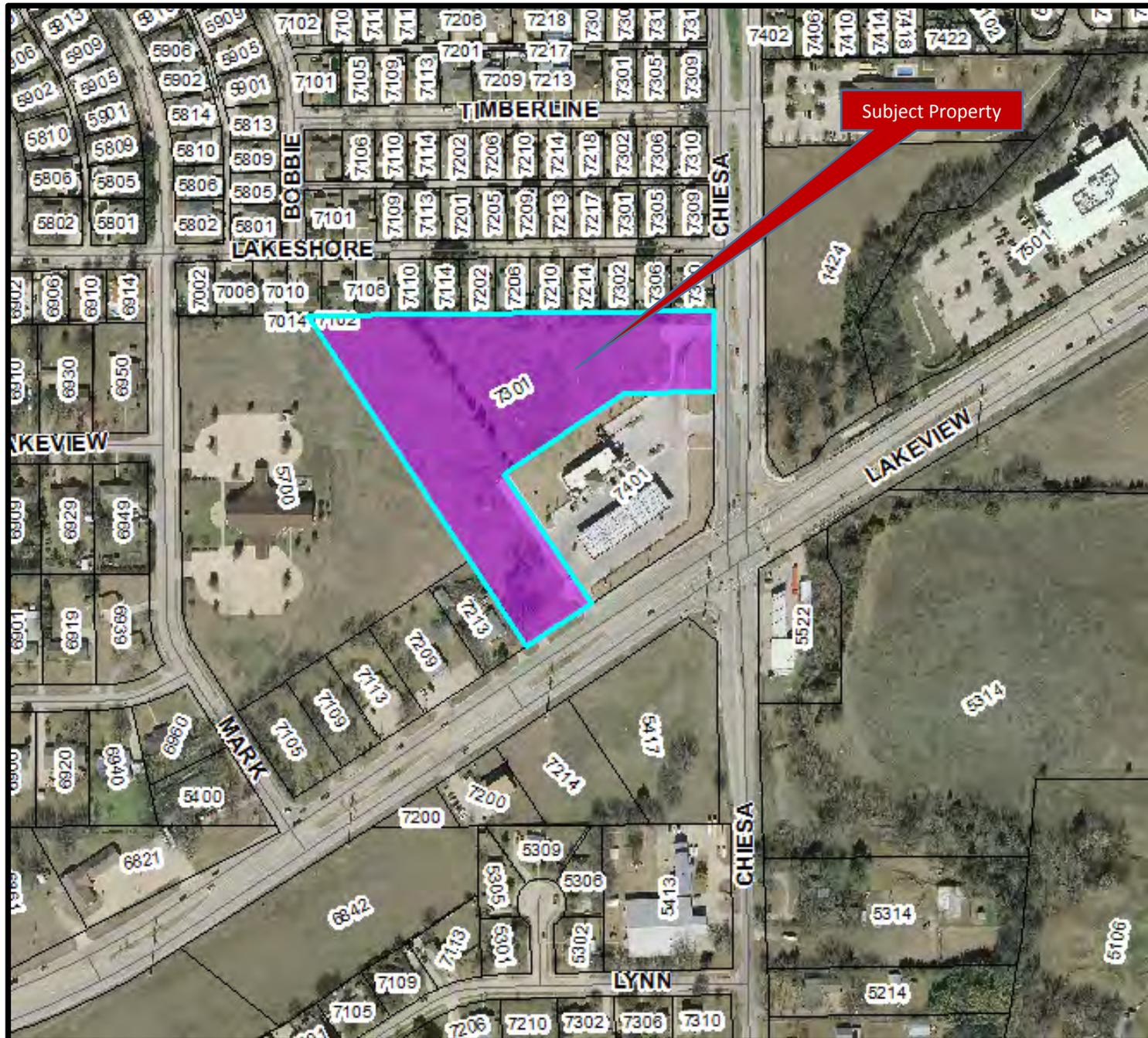
EXISTING TREE PROTECTION DETAIL  
not to scale

scale: 1" = 40'-0"



NOTE: SURVEY INFORMATION PROVIDED BY:  
DAVIS LAND SURVEYING COMPANY  
9777 FERGUSON ROAD, SUITE 105  
DALLAS, TEXAS 75228

LAKEVIEW CHISEA LLC  
INSTR. #20100024167  
ZONED: C-2





City of Rowlett  
Staff Report

4000 Main Street  
P.O. Box 99  
Rowlett, TX 75080-0099  
www.rowlett.com

**AGENDA DATE:** 07/07/15

**AGENDA ITEM:** 71

**TITLE**

Consider action to approve a resolution for the purchase of software maintenance in the amount of \$157,581 for the Enterprise Resource Planning System to Tyler Technologies, Incorporated and authorizing the City Manager to execute the necessary documents to continue said services.

**STAFF REPRESENTATIVE**

Joe Beauchamp, Director of Information Technology  
Allyson Wilson, Purchasing Agent

**SUMMARY**

The City of Rowlett currently uses the Tyler Technologies Munis product for our Enterprise Resource Planning System (ERP). In order to provide annual maintenance, software support and software updates, the City is required to purchase an annual support agreement. This is the first year's software maintenance for the ERP system.

**BACKGROUND**

On February 18, 2014, the City Council approved Resolution Number RES-009-14 awarding proposal #2013-21 and the contract for the purchase of an Enterprise Resource Planning (ERP) System from Tyler Technologies, Incorporated in the amount of \$833,245. This was lease-purchase financed for a seven (7) year term through SunTrust Equipment Finance and Leasing Corporation as per Resolution 030-14.

**POLICY EXPLANATION**

All of the programs are critical to the City's financial operations. If we do not purchase the annual maintenance, we will not receive phone support, patches and version upgrades. For example, if a problem with the functionality of accounts payable occurred, Tyler Technologies support would not assist staff in fixing the problem. Patches and upgrades are necessary not only for added functionality, but also to stay in compliance with changes in financial reporting and IRS rules. For example, the software is used to print 1099s for contractor compliance and Tyler Technologies will provide the City with an annual file for all year-end processes.

**FINANCIAL/BUDGET IMPLICATIONS**

Funds are available in the FY2015 Information Technology Budget in the amount of \$157,581.

Account Number	Account Title	Budget Amount	Proposed Amount
1013001 6302	Maintenance – Computer Software	\$157,581	\$157,581
<b>Total</b>		<b>\$157,581</b>	<b>\$157,581</b>

## **STAFF RECOMMENDATION**

City staff recommends the City Council approve a resolution for the purchase of software maintenance in the amount of \$157,581 for the Enterprise Resource Planning System to Tyler Technologies, Incorporated and authorizing the City Manager to execute the necessary documents to continue said services.

## **RESOLUTION**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS, APPROVING THE PURCHASE OF SOFTWARE MAINTENANCE IN THE AMOUNT OF \$157,581 FOR THE ENTERPRISE RESOURCE PLANNING SYSTEM TO TYLER TECHNOLOGIES, INCORPORATED; AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS TO CONTINUE SAID SERVICES AND AUTHORIZING THE ISSUANCE OF PURCHASE ORDERS PURSUANT TO APPROVAL; AND, PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, it is necessary to acquire computer software maintenance for the City's Enterprise Resource Planning System which includes support, patches, and version upgrades; and

**WHEREAS**, Tyler Technologies, Incorporated provides service for the City of Rowlett Enterprise Resource Planning System and is a sole source vendor for said service; and

**WHEREAS**, the City Council of the City of Rowlett, Texas desires to approve the purchase of computer software maintenance services to Tyler Technologies, Incorporated.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS:**

**Section 1:** That the City Council of the City of Rowlett does hereby approve payment for the purchase of computer software maintenance and support for the City's ERP applications to Tyler Technologies, Incorporated in the amount of \$157,581.

**Section 2:** That the City Manager be and is hereby authorized to execute the necessary documents for continued services and the issuance of purchase orders to conform to this resolution.

**Section 3:** That this resolution shall become effective immediately upon its passage.



City of Rowlett  
Staff Report

4000 Main Street  
P.O. Box 99  
Rowlett, TX 75080-0099  
www.rowlett.com

**AGENDA DATE:** 07/07/15

**AGENDA ITEM:** 8A

**TITLE**

Consider action to approve a resolution creating the Library Visioning Task Force, appointing members to the Library Visioning Task Force, and recognizing Council's choice for liaisons.

**STAFF REPRESENTATIVE**

Kathy Freiheit, Director of Library Services

**SUMMARY**

At the June 9, 2015, Council work session, staff presented a proposal for creation of a Library Visioning Task Force.

Comprised of citizen stakeholders, Task Force members will work with Council liaisons, City and Library staff, and Village of Rowlett developers' representatives to provide input and make recommendations for interior design and utilization of space within the Intermediate Library facility in downtown Rowlett. The Task Force will return later this year to share their findings and to seek Council approval of their recommendations.

The purpose of this item is to discuss and confirm the appointment of members to the Task Force.

**BACKGROUND INFORMATION**

Village of Rowlett groundbreaking is scheduled for July 17, 2015, with construction of the Intermediate Library facility expected to begin in mid-August, and building completion anticipated by late 2016.

Over the next six months, the Library Visioning Task Force will create a framework for what the 12,000 sf Intermediate Library facility in the Village of Rowlett will look like. To this end, Task Force members will explore the role of libraries in an age of e-books and online content, discuss assigned readings about 21<sup>st</sup> Century libraries, observe operations at newer Metroplex libraries, create a survey to assess community information needs, and engage in charrette-style conversations about future library resource and service offerings.

Based on their findings, the Task Force will return to Council in November with their recommendations for interior design and prioritization of space within the Intermediate Library facility, after which the Task Force will stand down.

**DISCUSSION**

Based upon the consensus provided by Council at the June 9, 2015, work session, a slate of potential Task Force members has been prepared for Council's consideration.

Voting Membership

- (1) Library Advisory Board Regular member & (1) Alternate member
- (1) Friends of the Rowlett Public Library board Regular member & (1) Alternate member
- (1) Library Volunteer member
- (2) Citizen At-Large members

The following chart shows nominations made by the Library Advisory Board and Friends of the Rowlett Public Library board for representatives from their respective organizations. Library staff have nominated Banna Marshburn, a long-standing English as a Second Language tutor who serves the community as a Library volunteer.

Description	Regular Members	Alternates
<b>Library Advisory Board</b>	Pat Harris, Regular	Cassie Wilson, Alternate
<b>Friends of the Rowlett Public Library</b>	Stanley Pollard, Regular	Jerry Hickman, Alternate
<b>Library Volunteer</b>	Banna Marshburn	
<b>Citizen At-Large</b>	(1) TBD (2) TBD	

Ex Officio Membership

- City Manager
- Director of Library Services
- (2) Library Administrative Staff
- (1) Village of Rowlett Developer’s Representative
- (2) Council Liaisons

City Manager Brian Funderburk, Director of Library Services Kathy Freiheit, and Library Administrative Team members Laura Tschoerner and Philip Barott will serve ex officio in facilitating and supporting the work of the Task Force. Paris Rutherford, or his alternate Lauren Partovi, will also serve in this capacity on behalf of Village of Rowlett developer, Integral Catalyst.

Additionally, Council may wish to choose a Council liaison and an alternate to participate in the process.

**FINANCIAL/BUDGET IMPLICATIONS**

There is no financial implication at this time.

**RECOMMENDED ACTION**

Staff recommends that Council approve a resolution creating the Library Visioning Task Force, confirming the Task Force members, Alternates and Council Liaisons, as discussed by the City Council in the work session on July 7, 2015.

**RESOLUTION**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS, APPROVING THE CREATION OF A LIBRARY VISIONING TASK FORCE; APPOINTING MEMBERS,**

**ALTERNATES AND LIAISONS TO THE LIBRARY VISIONING TASK FORCE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, it is desirous of the City Council to create a Library Visioning Task Force; and

**WHEREAS**, the Library Visioning Task Force will be charged with making recommendations to City Council on matters regarding the design, purposing and prioritization of space within an Interim Library facility in the Village of Rowlett; and

**WHEREAS**, the City Council has chosen five representatives; two alternates; and Council Liaisons to serve on the Library Visioning Task Force for a period not to exceed six months; and

**WHEREAS**, the Library Visioning Task Force will stand down upon the completion of tasks put before them by the City Council.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS:**

**Section 1:** That the City Council of the City of Rowlett does hereby approve the creation of a Library Visioning Task Force for the purpose of providing recommendations on matters regarding the design, purposing and prioritization of space within an Interim Library facility in the Village of Rowlett.

**Section 2:** That the City Council does hereby approve the appointment of Members and Alternates to the Library Visioning Task Force appointed in compliance with the City Charter, as shown in the following list:

Pat Harris, (Regular)  
Stanley Pollard, (Regular)  
Banna Marshburn, (Regular)  
\_\_\_\_\_, (Regular)  
\_\_\_\_\_, (Regular)

Cassie Wilson, (Alternate)  
Jerry Hickman, (Alternate)

**Section 3:** That only regular members may vote on matters coming before the task force, and that alternate members may vote only when presiding in the place of an absent member, at the request of the chairperson of the task force. The task force shall select from its members a chairperson to preside over the meetings of the task force, and shall also select a vice chairperson to preside in the absence of the chairperson.

**Section 4:** That the City Council does further appoint the following persons to serve as ex officio members of the task force, who shall attend and may participate in proceedings but may not vote on matters:

City Manager;  
Director of Library Services;  
Two (2) Library Administrative Staff (to be selected by the Director of Library Services);  
One (1) Representative of the Developer of Village of Rowlett;  
Council Liaisons

**Section 5:** This resolution shall become effective immediately upon its passage.



City of Rowlett  
Staff Report

4000 Main Street  
P.O. Box 99  
Rowlett, TX 75030-0099  
www.rowlett.com

**AGENDA DATE:** 07/07/15

**AGENDA ITEM:** 8B

**TITLE**

Conduct a public hearing and take action on an ordinance adopting proposed text amendments to the Rowlett Development Code as it pertains to Landscaping in Section 77-504.

**STAFF REPRESENTATIVE**

Garrett Langford, AICP, Principal Planner

**SUMMARY**

The purpose of this item is to take action on a proposed text amendment to the Landscaping Section of the Rowlett Development Code (RDC). As it was discussed in the Work Session on June 9, 2015, the main reason for the proposed text amendment is to address potential conflicts between landscaping requirements and utility easements in light of recent policy changes from Oncor. Oncor, who owns utility easements along the length of Lakeview Parkway that contain their high voltage transmission lines, will no longer allow any trees within their easements. In addition to addressing conflicts between landscaping and utility easements, the proposed text amendments would also seek to clarify requirements for the compatibility buffer, off-street parking landscaping and irrigation.

The Planning and Zoning Commission voted unanimously to recommend approval on four of the five proposed text amendments at their June 23, 2015, Meeting. The Planning and Zoning Commission voted 5-2 to recommend against changing the compatibility buffer. The discussion can be viewed at the following link as item C1: <http://rowlettx.swagit.com/play/06232015-1268>.

**BACKGROUND INFORMATION**

The main purpose for the proposed text amendment is to address potential conflicts arising from a recent change in Oncor's policy to no longer allow canopy trees within their high voltage transmission line easements (Attachment 1 - Oncor's Letter with Revisions). Oncor's high voltage transmission lines run parallel along the entire length of Lakeview Parkway. When the high voltage transmission lines are located over private property and not within the City's right-of-way, they are located in easements owned by Oncor. These easements give Oncor the legal right to dictate what improvements are allowed within their easements. For the most part, these easements are generally located within the first 20-30 feet of the properties that front on the north side of Lakeview Parkway. This is also where the RDC requires a 20-ft landscape right-of-way buffer that must include one canopy tree per 35 linear feet and 10 shrubs per 30 linear feet.

On June 9, 2015, separate Work Sessions were held with the Planning and Zoning Commission, and City Council where Staff presented the proposed text amendments to address

conflicts between utility easements and required landscaping, and to clarify other landscaping requirements. This included the compatibility buffer, off-street parking landscaping and irrigation. In the following section, the proposed text amendments are reviewed along with the feedback that Staff received from the June 9, 2015, Work Sessions.

## **DISCUSSION**

Staff has prepared a strikethrough and underline of the proposed text amendments (Attachment 2 – Strikethrough and Underline) to Section 77-504 of the Rowlett Development Code. Following is a synopsis of the proposed amendments followed by feedback from the June 9, 2015, Work Sessions.

### Compatibility Buffer

The compatibility buffer is a six-foot wide landscape buffer that is required between similar land uses. This buffer is required to contain one tree per 50 linear feet and 10 shrubs per 30 linear feet. As currently written, the ordinance requires that each development shall provide a compatibility buffer resulting in a 12-foot landscape buffer between similar land uses. Staff is proposing an amendment that clarifies that a single six-foot wide landscape buffer is required to be installed along the property line where one does not presently exist. The initial developer in a sequence of contiguous parcels would be responsible for constructing the compatibility buffer. The proposed amendment does not reduce the overall landscaping requirement for a site, which is a minimum of 15 percent of the property.

***Work Session Feedback: The majority of the Planning and Zoning Commission members indicated a desire to maintain the current standard. City Council had the alternate viewpoint and was to support this change.***

***Planning and Zoning Commission Recommendation: The Planning and Zoning Commission voted 5-2 to recommend that the current standard remain and not to adopt the proposed amendment to the compatibility buffer.***

### Internal Landscaping:

The RDC requires internal landscaping based on a percentage of the size of the off-street parking area. Additionally, internal landscaping trees are required for every 400 square feet of required internal landscaping. This is in addition to the tree islands that are required for every 12 parking spaces and at the terminus of all rows of parking. It further states that 75 percent of all internal trees shall consist of canopy trees. However, the code also states that there shall be a minimum of at least one canopy tree for each eight parking spaces. Staff believes that there should be one calculation to determine the minimum amount of canopy trees within a parking lot. To avoid confusion, staff proposes eliminating the one canopy tree per eight parking spaces.

***Work Session Feedback: Planning and Zoning Commission, and City Council were supportive of this change.***

***Planning and Zoning Commission Recommendation: The Planning and Zoning Commission voted unanimously to recommend approval of this amendment.***

Overhead Utilities:

Specifies that when required canopy trees are located beneath overhead utilities that the applicant may substitute the canopy trees with ornamental trees from the approved tree list at a ratio of three ornamental trees to one canopy tree.

***Work Session Feedback: Planning and Zoning Commission, and City Council were supportive of this change.***

***Planning and Zoning Commission Recommendation: The Planning and Zoning Commission voted unanimously to recommend approval of this amendment.***

Utility Easement:

This is a new subsection within the Landscape section of the RDC that would require an applicant to obtain written approval from the owner of the utility easement when locating landscaping and/or irrigation within that utility easement. This new subsection would not grant relief from the landscaping requirements should encroachment agreement not be granted by the owner of the easement. Instead, the new subsection would allow for the required plants and/or trees to be planted elsewhere onsite but within the same yard of the required location. Relocating the required landscaping from a conflicting utility easement will be subject to staff approval and will not require the approval of an alternative landscape plan. An alternative landscape plan will be required should the applicant request a reduction in the plant material that would have otherwise been required.

***Work Session Feedback: The majority of the Planning and Zoning Commission, and City Council were supportive of this change with a provision to allow administrative approval. The proposed amendment was modified to allow administrative approval when landscaping is relocated from an easement to an area within the same yard of the required location. An alternative landscape plan will be needed in the event an applicant requests a reduction in the required landscaping.***

***Planning and Zoning Commission Recommendation: The Planning and Zoning Commission voted unanimously to recommend approval of this amendment.***

Irrigation and Maintenance:

The RDC currently has two subsections on irrigation. The proposed amendment would combine the two subsections on irrigation into one section to avoid confusion. There are no proposed changes to the irrigation standards.

***Work Session Feedback: Planning and Zoning Commission and City Council were supportive of this change.***

***Planning and Zoning Commission Recommendation: The Planning and Zoning Commission voted unanimously to recommend approval of this amendment.***

Per Section 77-804.C of the Rowlett Development Code, text amendments should be considered based on the following criteria. Staff has added additional comments in bold italics.

1. Whether the proposed amendment corrects an error or meets the challenge of some changing condition, trend, or fact;

***Utilities and Overhead:***

***As previously discussed in this report, this proposed amendment is to address potential conflicts between landscaping requirements and utility easements in light of recent policy changes from Oncor. The proposed amendments will allow the required landscaping to be relocated when there is a conflict with utility easements with Staff's approval.***

***Internal Landscaping:***

***The proposed amendment related to the internal tree landscaping is to eliminate confusion in the ordinance on the percentage of the required internal trees that shall be canopy trees.***

***Irrigation:***

***Combines two sections on landscape irrigation into one section. No substantive changes being proposed with the irrigation requirements.***

***Compatibility Buffer:***

***Staff brought the proposed amendment on the compatibility buffer to clarify what is needed to meet the intent of the compatibility buffer which is to "provide a minor transitional buffer between similar land uses." The minimum width of a compatibility buffer is six feet. As currently applied, each developer is required to install a six-foot buffer whether one already exists or not on the adjoining property. The proposed amendment will continue to require a six-foot buffer but clarify that a developer is only required to install the compatibility buffer where one does not exist. It is Staff's opinion that requiring two six-foot compatibility buffers (resulting in a 12-foot buffer) is excessive and goes beyond what is required for a minor transitional buffer between similar land uses.***

2. Whether the proposed amendment is consistent with the comprehensive plan and the stated purposes of this Code;

***The proposed amendments are consistent with the comprehensive plan and the stated purposes of this Code.***

3. Whether the proposed amendment will protect the health, safety, morals, and general welfare of the public;

***The proposed amendments are being made in light of the health, safety, morals, and general welfare of the public.***

4. Whether the proposed amendment will result in significant mitigation of adverse impacts on the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation; and

***The proposed amendments will not alter regulations that would impact the natural environment. The proposed amendments do not reduce the amount of the overall required landscaping within a development. The proposed amendments, with regard to utilities and compatibility buffer, will make the ordinance less prescriptive.***

5. Whether the proposed amendment will advance the goals of the City Council.

***It is Staff's opinion that the proposed amendments will continue to advance the goals of the City Council. The proposed amendment on landscaping within utility easements will continue to require developments to comply with the minimum landscaping requirements while providing Staff the ability to approve relocating the landscaping outside of a utility easement, if needed, without an alternative landscaping plan.***

***The proposed amendment on the compatibility buffer will continue to require a six-foot buffer between similar land uses to provide a minor transition. The proposed amendment is to confirm how this should be applied. It is Staff's opinion that the minor transition can be accomplished through a single six-foot buffer between like uses. Developments will continue to be required to meet the overall landscaping requirements of the site, which is a minimum of 15 percent of the property.***

***The proposed amendment on the internal landscaping trees will clarify the ordinance by removing a redundant calculation on the amount of required canopy trees within a parking area. The proposed amendment on irrigation is to combine two sections on irrigation into one section with no substantive changes being made to the irrigation requirements.***

#### Public Notice

As required by the Rowlett Development Code notice of this public hearing was published in the Rowlett Lakeshore Times on June 11, 2015.

#### **FINANCIAL/BUDGET IMPLICATIONS**

N/A

**RECOMMENDED ACTION**

Staff recommends approval of the proposed text amendments.

**ORDINANCE**

**AN ORDINANCE OF THE CITY OF ROWLETT, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING SECTION 77-504 OF CHAPTER 77-500 (“DEVELOPMENT AND DESIGN STANDARDS”) OF CHAPTER 77 (“DEVELOPMENT CODE”) TO AMEND SUBPARTS (2)(g) AND (3)(e) OF SUBSECTION (D), SUBPARTS (4) AND (5) OF SUBSECTION (E), AND ADDING A NEW SUBPART (9) TO SUBSECTION (E); AMENDING LANDSCAPING REQUIREMENTS PERTAINING TO AREAS WITHIN UTILITY EASEMENTS; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; AND, PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Planning and Zoning Commission of the City of Rowlett and the governing body of the City of Rowlett, in compliance with the laws of the State of Texas and the ordinances of the City of Rowlett, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing and where the governing body in the exercise of its legislative discretion has concluded that the Zoning Ordinance of the City of Rowlett should be amended.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS:**

**SECTION 1.** That subsection (g) of subpart (2) of subsection (D) of Section 77-504 of Chapter 77-500 (“Development and Design Standards”) of Chapter 77 (“Development Code”) be and is hereby amended to read in its entirety as follows:

**“CHAPTER 77  
DEVELOPMENT CODE**

...

**CHAPTER 77-500. DEVELOPMENT AND DESIGN STANDARDS**

...

**Sec. 77-504. Landscaping and screening.**

...

D. *Required landscaping.*

...

(2) *Perimeter buffer landscape requirements.*

...

(g) *Compatibility buffer.* Compatibility buffers shall serve to provide a minor transitional buffer between similar land uses. A compatibility buffer with a

minimum width of six feet shall be provided along all property lines where there is no existing buffer.

...”

**SECTION 2.** That subsection (e) of subpart (3) of subsection (D) of Section 77-504 of Chapter 77-500 (“Development and Design Standards”) of Chapter 77 (“Development Code”) be and is hereby amended to read in its entirety as follows:

**“CHAPTER 77  
DEVELOPMENT CODE**

...  
**CHAPTER 77-500. DEVELOPMENT AND DESIGN STANDARDS**

...  
**Sec. 77-504. Landscaping and screening.**

...  
D. *Required landscaping.*

...  
(3) *Off-street parking landscaping requirements.*

...  
(e) *Trees.* In addition to the trees required to be planted in parking landscape islands, there shall be a minimum of one tree planted for each 400 square feet or fraction thereof of required interior landscape area. A minimum of 75 percent of all trees required in the interior planting area shall be canopy trees. Ornamental trees substituted at a rate of 3:1 may count as one required tree, not to exceed 25 percent of the total required trees. Where only three or fewer trees are required, those trees shall all be canopy trees. Interior parking lot landscaping trees should not be placed in compatibility buffers. The number of interior parking lot landscaping trees may be reduced by the director of planning if the applicant provides written information documenting that providing the required interior parking lot landscaping trees would result in unhealthy conditions for tree growth.

...”

**SECTION 3.** That subparts (4) and (5) of subsection (E) of Section 77-504 of Chapter 77-500 (“Development and Design Standards”) of Chapter 77 (“Development Code”) be and are hereby amended to read in their entirety as follows:

**“CHAPTER 77  
DEVELOPMENT CODE**

...  
**CHAPTER 77-500. DEVELOPMENT AND DESIGN STANDARDS**

...  
**Sec. 77-504. Landscaping and screening.**

...

E. *General landscaping requirements and standards.* The following criteria and standards shall apply to landscape materials and installation:

...

(4) *Proximity to overhead utilities.* To minimize conflicts with overhead power lines and overhead utility installations, the applicant may substitute canopy trees with ornamental trees from the approved plant list in section 77-504J at a ratio of three ornamental trees to one canopy tree when located under overhead utilities. Where overhead utilities exist, trees shall be maintained so that the mature tree canopy is a minimum of ten feet from the overhead utilities.

(5) *Irrigation and maintenance.* All landscape areas and open space shall be provided with an adequate, inconspicuous, and complete-coverage automatic irrigation system according to the following standards:

(a) All planted areas shall be irrigated.

(b) Irrigation systems shall be calibrated and designed to provide the appropriate amount of water that relates to the plant species, and shall not overwater.

(c) All irrigation systems shall be equipped with functioning rain and freeze sensors and shall comply with backflow and cross-connection regulations.

(d) Drip or soaker irrigation shall be used in all vegetated areas exclusive of turf grass areas.

(e) Under high-voltage power lines (operating voltages greater than 60,000 volts) and in easements for transmission towers, low pressure systems (drip and soaker hoses) shall be used. No control valve shall be located within an easement for transmission towers.

...”

**SECTION 4.** That subpart (9) of subsection (E) of Section 77-504 of Chapter 77-500 (“Development and Design Standards”) of Chapter 77 (“Development Code”) be and is hereby repealed and replaced with a new subpart (9), to read in its entirety as follows:

**“CHAPTER 77  
DEVELOPMENT CODE**

...

**CHAPTER 77-500. DEVELOPMENT AND DESIGN STANDARDS**

...

**Sec. 77-504. Landscaping and screening.**

...

E. *General landscaping requirements and standards.* The following criteria and standards shall apply to landscape materials and installation:

...

(9) *Utility easements.* When locating landscaping and/or irrigation within a public or private utility easement, the applicant shall first obtain consent from the owner(s) of the utility easement. An easement owner’s refusal to consent shall not relieve or exempt the applicant from compliance with the landscaping and irrigation

requirements of this section; provided, however, that if consent cannot be obtained, plants and irrigation required in the easement area shall be located in the same yard as approved by the City.

...”

**SECTION 5.** That all ordinances of the City of Rowlett, Texas, in conflict with the provisions of this ordinance be and the same are hereby repealed and all other ordinances of the City of Rowlett not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 6.** That an offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

**SECTION 7.** That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision hereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

**SECTION 8.** That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Rowlett, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of two-thousand dollars (\$2,000.00) for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**SECTION 9.** That this ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and Charter in such case provide.

## **ATTACHMENTS**

Attachment 1 – Oncor Letter with revisions

Attachment 2 – Section 77-504, Strikethrough and Underline



Oncor Electric Delivery  
115 W. 7<sup>th</sup> Street, Suite 411  
P.O. Box 970  
Fort Worth, Texas 76101-0970  
  
Tel 817.215.5534  
Fax 817.215.6360

June 8, 2015

**VIA HAND DELIVERY**

City of Rowlett

Re: Proposed Ordinance on Landscaping within Oncor Rights-of-way

Dear City of Rowlett:

Per the City's request, Oncor Electric Delivery Company LLC provides the following addressing the City's proposed ordinance revisions to vegetation and landscaping within Oncor's transmission easements and right-of-ways. While Oncor shares your city's aim to ensure the aesthetic and beneficial value of trees and other greenery in our communities, due to regulatory, reliability and safety concerns inherent in the operation of high-voltage transmission lines, our right-of-ways and easements present barriers to such use.

The dangers of contact between trees and high voltage lines has long been understood and recognized. Most electric utility easements have included language to the effect that the utility has the right to trim and cut down trees and shrubbery within easements and rights-of-way to the extent necessary to prevent possible interference with the operation of high-voltage lines or to remove possible hazard thereto.

Furthermore, in addition to private contractual obligations, Oncor must answer to state and federal regulatory oversight which compels the necessity of maintaining transmission right-of-ways free of trees and other threats to reliability and safety. In the last decade, the federal government has extended its authority over transmission operations.

The Federal Energy Regulatory Commission ("FERC") has been granted broad responsibilities to ensure the reliability of the bulk power system, which includes high voltage transmission lines like those at issue. FERC had promulgated regulations that require utilities to ensure that transmission lines are not compromised by potential hazards and to audit their compliance. Severe penalties may accrue where a violation of FERC's regulations occur. As a practical result of these regulations, Oncor and other utilities are expected to fully exercise their easement rights for vegetation management.

In turn, under Texas law, easement rights are relatively broad. As a general rule, an easement allows Oncor to do whatever is reasonably necessary to secure and protect the rights granted. Additionally, Oncor has a duty to maintain its easements and to prevent others from interfering with easements. The Courts have consistently upheld an electrical utility's right to cut down and remove trees to protect its transmission lines and the public safety.

Furthermore, Texas law mandates that Oncor safeguard reliability and safety, in part by maintaining adequate clearances around high-voltage lines. The State of Texas recognized that continuous service by a public utility is essential to the life, health, and safety of the public and that the primary duty of a public utility is to maintain continuous and adequate service at all times to protect the safety and health of the

City of Rowlett  
June 8, 2015  
Page 2

public against the danger inherent in the interruption of service. The Texas Utilities Code also provides that an electric utility company shall construct, operate, and maintain its lines for the transmission and distribution of electric energy along highways and other places in accordance with the National Electric Safety Code ("NESC"). The NESC provision addressing tree trimming states, "trees that may interfere with ungrounded supply conductors should be trimmed or removed." A note follows, stating "normal tree growth, the combined movement of trees and conductors under adverse weather conditions, voltage, and sagging of conductors at elevated temperatures are among the factors to be considered in determining the extent of trimming required."

The law prohibits parties from conducting any activity that may bring material within six (6) feet of high voltage power lines and vegetation, such as tree branches, is a material that one may not bring or attempt to bring into contact with high voltage wires.

We hope this will help the city understand the legal and regulatory constraints that Oncor and other utilities face. Given these existing regulations, which we believe will become more stringent over time, we respectfully request that if amendments are made to an ordinance pertaining to development and landscaping in Oncor's transmission right-of-ways, it should contain the following points:

- 1) Before beginning construction, the land developer or other party responsible for development, will submit a landscape plan to Oncor for consideration and approval;
- 2) Before beginning construction and during the course of construction, the land developer or other party responsible for development will educate, train and monitor its employees and contractors so as to avoid any contact or close proximity between Oncor's high voltage lines and any persons, equipment or material during construction or landscaping on the project;
- 3) The developer should not include any metal fences or other metal or conductive features running parallel to the high-voltage lines that may be subject to induced voltages or pose a risk that a person climbing upon the fence or feature may come in proximity to Oncor's high voltage lines;
- 4) No underground or pressurized irrigation system should be installed within the right-of-way;
- 5) For operating voltages greater than 60,000 volts; No tree, shrub or other vegetation shall be planted in the right-of-way that has a mature height of more than twelve (12) feet.

We consider that these points will serve to protect Oncor's facilities and the safety of your residents. Please let us know what can be done to assist the city further with regards to the Landscaping Section of the Rowlett Development Code that best meets the needs of the community.

Very Truly Yours,



Dan Altman

DGA/da

**Garrett Langford**

---

**From:** Young, Barry <Barry.Young@oncor.com>  
**Sent:** Monday, June 15, 2015 2:25 PM  
**To:** Garrett Langford  
**Subject:** FW: Landscaping and HV Lines

Garrett,

With reference to the Oncor letter dated June 8, 2015 regarding proposed amendments to the landscaping section of the City's development Code; To reduce any ambiguity and further clarify on page 2 of the letter, the Company provides the following:

Please see below number 5 additions and a new number 6. These clarifications should be attached to the June 8 letter.

5) For operating voltages greater than 60,000 volts; No tree, shrub or other vegetation shall be planted in the right-of-way that has a mature height of more than twelve (12) feet; any plantings shall be based solely on Oncor Electric Delivery's discretion. No trees or shrubbery will be allowed in 345,000 volt transmission line right-of-way.

6) For operating voltages less than 60,000 volts; Trees should be selected and planted such that at mature height no limbs will be closer than 10 ft. from high voltage lines.

We believe this additional clarity will serve both the City and Oncor well going forward. There are no guarantees with regard to future Federal and state oversight the Company may receive with regards to grid reliability standards on electric transmission lines. We appreciate the City of Rowlett's understanding of this regulatory environment. Please contact me with any questions

Best regards

Barry Young  
Sr. Area Manager

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Oncor  
7309 Frankford Rd.  
Dallas, TX 75252-6347

Phone: (972) 985-2066 - Mobile: (469) 261-2417 - Fax: (214) 985-2060  
E-mail: [barry.young@oncor.com](mailto:barry.young@oncor.com)  
Visit Oncor at: [www.Oncor.com](http://www.Oncor.com)

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**From:** Young, Barry  
**Sent:** Monday, June 08, 2015 1:53 PM  
**To:** 'Garrett Langford'  
**Subject:** RE: Landscaping and HV Lines

Garrett,

Please see the attached letter. If you have any questions at all, please let me know.

## Sec. 77-504. Landscaping and Screening.

### D. *Required Landscaping.*

...

#### 2. *Perimeter buffer landscape requirements.*

...

- (g) *Compatibility Buffer.* Compatibility buffers shall serve to provide a minor transitional buffer between similar land uses. ~~The minimum width of a compatibility buffer is six feet.~~ A compatibility buffer with a minimum width of six feet shall be provided along all property lines where there is no existing buffer.

#### 3. *Off-Street Parking Landscape Requirements.*

- (e) *Trees.* In addition to the trees required to be planted in parking landscape islands, there shall be a minimum of one tree planted for each 400 square feet or fraction thereof of required interior landscape area. A minimum of 75 percent of all trees required in the interior planting area shall be canopy trees. Ornamental trees substituted at a rate of 3:1, may count as one required tree, not to exceed 25 percent of the total required trees. Where only three or fewer trees are required, those trees shall all be canopy trees. ~~The minimum requirement for canopy trees shall not be less than one tree for every eight parking spaces.~~ Interior parking lot landscaping trees should not be placed in compatibility buffers. The number of interior parking lot landscaping trees may be reduced by the director of planning if the applicant provides written information documenting that providing the required interior parking lot landscaping trees would result in unhealthy conditions for tree growth.

...

### E. *General Landscaping Requirements and Standards.*

...

4. *Proximity to Overhead Utilities.* To minimize conflicts with overhead powerlines and overhead utility installations, the applicant may substitute canopy trees with ornamental trees from the approved plant list in Subsection 77-504J at a ratio of three ornamental trees to one canopy tree when locating under overhead utilities. ~~with a mature height of 25 feet or less for canopy trees when planting within ten feet from either side of overhead power lines. Such trees shall be selected from a tree list approved by the appropriate utility. Where overhead utilities exists, trees shall be maintained so that the mature tree canopy is a minimum of ten feet from the overhead utilities.~~

5. *Irrigation and maintenance.* All landscape areas and open space shall be provided with an adequate, inconspicuous, and complete-coverage automatic irrigation system according to the following standards: Under high-voltage power lines and in easements for transmission towers, low pressure systems (drip and soaker hoses) shall be used. No control valve shall be located within an easement for transmission towers.
- (a) Irrigation systems shall be calibrated and designed to provide the appropriate amount of water that relates to the plant species, and shall not overwater.
  - (b) All planted areas shall be irrigated.
  - (c) All irrigation systems shall be equipped with rain and freeze sensors and shall comply with backflow and cross-connection regulations.
  - (d) Drip or soaker irrigation shall be used in all vegetated areas exclusive of turf grass areas.
  - (e) Under high-voltage power lines and in easements for transmission towers, low pressure systems (drip and soaker hoses) shall be used. No control valve shall be located within an easement for transmission towers.. Under high-voltage power lines and in easements for transmission towers, low pressure systems (drip and soaker hoses) shall be used. No control valve shall be located within an easement for transmission towers.

- ~~9. *Irrigation.* All landscaped areas shall be irrigated according to the following standards:~~
- ~~(a) Irrigation systems shall be calibrated and designed to provide the appropriate amount of water that relates to the plant species, and shall not overwater.~~
  - ~~(b) All planted areas shall be irrigated.~~
  - ~~(c) All irrigation systems shall be equipped with rain and freeze sensors and shall comply with backflow and cross-connection regulations.~~
  - ~~(d) Drip or soaker irrigation shall be used in all vegetated areas exclusive of turf grass areas.~~

...

9. *Utility Easements:* When locating landscaping and/or irrigation within a public or private utility easement, the applicant shall obtain an encroachment agreement from the owner(s) of the utility easement. An easement owner's refusal to consent shall not relieve or exempt the applicant from compliance with the landscaping and irrigation requirements of this section; provided, however, that if consent cannot be obtained, plants and irrigation required in the easement area shall be located in the same yard as approved by the city.



City of Rowlett  
Staff Report

4000 Main Street  
P.O. Box 99  
Rowlett, TX 75030-0099  
www.rowlett.com

**AGENDA DATE:** 07/07/15

**AGENDA ITEM:** 8C

**TITLE**

Conduct a public hearing and take action on an ordinance to rezone from Single Family-40 Zoning District to the New Neighborhood Form-Based Zoning District, with Major Warrants to allow modification to the lighting and open space standards for buildings fronting on open space, for properties located at 4401, 4413, 4501, 4509, 4513, 4601, 4609, 4613 and 4701 Dexham Road. (Case FW14-740)

**STAFF REPRESENTATIVE**

Garrett Langford, AICP, Principal Planner

**SUMMARY**

The applicant is requesting to rezone 83.25 acres along Dexham Road (Attachment 1 – Location Map) from Single Family-40 Zoning District to the New Neighborhood Form-Based Zoning District. The purpose of this rezoning is to build a 20-acre pedestrian-oriented, single-family neighborhood that will be governed under the City’s Form-Based Code. Also included in this request, are Major Warrants to allow modifications to the lighting and open space standards as they pertain to buildings fronting on open space.

The Planning and Zoning Commission voted 6-1 to recommend approval of this item at their June 9, 2015, meeting with condition that Category type homes 2 be limited to a maximum of 40 percent and Category type homes 3 be limited to a maximum of 10 percent. Commission member James Moseley voted in opposition. The discussion can be viewed at the following link as item C1: <http://rowlettx.swagit.com/play/06092015-1189>.

**BACKGROUND INFORMATION**

The applicant is requesting to rezone the subject property to allow a 20-acre single family residential development under the New Neighborhood Form-Based District (NN-FB) (Attachment 2 – Statement of Intent and Purpose). The subject property is located along the west side of Dexham Road, south of the MKT railroad line and east of Rowlett Creek. The total size of the subject properties is 83.25 acres with a vast majority of it located within the Rowlett Creek floodplain. The applicant will pursue reclamation of 13.5 acres of the subject property that should result in 20 developable acres. The remaining 53.25 acres will remain within the floodplain, part of which will be utilized as open space.

The applicant platted the subject property in 2004 into a nine-lot addition called Dexham Creek Ranch Estates under the Single Family Estate Residential Zoning District (SF-E). The SF-E was replaced with the SF-40 Zoning District when the Rowlett Development Code was adopted in 2006. The lots created in 2004 are conforming to the current zoning as the SF-E and SF-40

have similar dimensional requirements. The applicant has not been able to develop or secure a market for a larger lot development at this location. As a result, the applicant is now pursuing new entitlements to allow a development with higher density utilizing the NN-FB Zoning District.

The applicant is requesting to rezone the subject properties from SF-40 to the NN-FB Zoning District. The applicant's proposed Framework Plan (Attachment 3) will conform to all of the requirements for the NN-FB District with the exception of two Major Warrants. The applicant is requesting a Major Warrant to allow several lots to back to the open space that will be located in the floodplain. To ensure an active open space, the FBC prohibits the backing of homes onto open space. However due to site configuration issues, the applicant is requesting a Major Warrant to alter this requirement.

The second Major Warrant is a City Staff initiated request in order to address the residential lighting standard in the FBC. Since the adoption of the FBC, Staff has conducted additional research and determined that the current lighting standard is not reasonable for a single family neighborhood. However, until a formal change can be made to the code, a major warrant is required to reduce the residential lighting standard from two foot-candles to the more appropriate level of 0.5 foot-candles. Staff is proposing to include this adjusted residential lighting standard for the proposed development.

## DISCUSSION

Section 77-805 of the *Rowlett Development Code (RDC)* states that the Planning and Zoning Commission shall consider the following when making their recommendation to the City Council as it pertains to rezoning requests. These criteria are listed below:

1. Whether the proposed rezoning corrects an error or meets the challenge of some changing condition, trend, or fact;

***It could be argued that the proposed rezoning addresses a changing trend in market demand. The subject property was platted in 2004 into nine large lots with each lot being above five acres in size. There appears to be minimal market demand for larger lot homes as evidenced by the fact that property has yet to be developed under the current subdivision. Furthermore, rezoning to the NN-FB District will allow for a diversified and a pedestrian-oriented development with integrated open spaces that achieves the goals outlined in Realize Rowlett 2020.***

2. Whether the proposed rezoning is consistent with the comprehensive plan and the purposes of this code stated in subchapter 77-103, Purpose of this Code;

***The subject property is not located within one of the 13 opportunity areas identified in the Realize Rowlett 2020 Comprehensive Plan. For areas outside of the opportunity area, the Plan states that the existing zoning and the Guiding Principles should be considered in decisions about rezoning and site design. While the Form-Based Code is primarily utilized within the 13 opportunity areas, it is not precluded***

*from being used in the non-opportunity areas. The Form-Based Code is better suited to further the 13 Guiding Principles outlined in the Plan. Below Staff has identified and offered commentary on the Guiding Principles that are relevant to the request.*

**Guiding Principle #1: Value existing neighborhoods.**

Determining how the value of an existing neighborhood will be affected by a proposed rezoning is difficult to determine. In this case, most of the surrounding property bounded the floodplain to the east and railroad to the north. There is an existing single-family residential subdivision located to the east of the subject property across Dexham Road. This existing single-family subdivision consists of lots ranging from approximately 10,000 square feet to approximately 30,000 square feet in size.

The proposed rezoning to a NN-FB district will allow for a diverse mix of housing types and a higher density than what exists in the surrounding area. In Staff's view, this is not expected to negatively affect the value of the existing neighborhood. The FBC includes a heavy emphasis on design, block configuration, open space, pedestrian orientation, and architecture. This provides an adjacent predictability of the quality and building types. It is Staff's opinion that the proposed development will not negatively affect the value of the existing neighborhood.

**Guiding Principle #3: Make Rowlett a community that is attractive to people at all stages of their lives.**

It is the intent that the standards required in the NN-FB District will result in a neighborhood with lasting value and distinctive character. The variety of housing types will assist in diversifying the existing single-family housing stock, which will serve to both enhance existing property values and provide housing for the complete life cycle – young professional, professional couples, families, empty nesters, retirees, and seniors.

**Guiding Principle #4: Invest in places of lasting value and distinctive character.**

The NN-FB district will foster the type and pattern of new development that increases pedestrian activity and will allow for recreational opportunities through designed and enclosed public open space. The design emphasis on accessible open spaces and pedestrians combined with the variety of housing types will result in a place of lasting value and distinctive character.

**Guiding Principle #6: Use Lake Ray Hubbard and Rowlett's natural assets to create a distinctive identity and the quality of life desired by the community.**

The subject property is adjacent to floodplain area encompassing Rowlett Creek. This area includes extensive tree canopy, wildlife and vegetation.

Unlike conventional zoning, the NN-FB will ensure that the design of the development will utilize these natural features of the floodplain as accessible open space. While the applicant has requested a Major Warrant to allow several homes at the northwest corner of the development to back onto the open space, the majority of the proposed development will front the natural features within the floodplain. This will ensure accessibility to these natural features to the general public instead of allowing the natural features to be privatized and benefit only a select few.

**Guiding Principle #9: Balance growth efficient development patterns.**

In order to diversify the City's tax base, the housing stock must vary in order to attract an assorted population to support the commercial services desired by current residents. The requested rezoning will help to provide diversified housing products in the City. Furthermore, the housing types, streetscaping and landscaping delineated in the NN-FB District will contribute to the physical definition of the streets as civic places and will generate a safe, accessible environment for the pedestrian.

3. Whether the proposed rezoning will protect or enhance the health, safety, morals, or general welfare of the public;

***Staff does not anticipate the proposed rezoning to impact negatively the health, safety, morals, or general welfare of the public. If approved, the proposed development will be required to comply with all applicable development standards in the FBC as well those standards in the Rowlett Development Code including drainage, traffic, and utility requirements.***

4. Whether the municipality and other service providers will be able to provide sufficient transportation and utility facilities and services to the subject property, while maintaining sufficient levels of service to existing development;

***The proposed rezoning has been reviewed from the standpoint of providing sufficient transportation access and utilities (e.g., water, sanitary sewer, stormwater drainage). Both water and sewer service is provided by the City; Staff has confirmed that both are available to the site. Prior to the approval of the Regulating Plan, Staff will ensure adequate capacity for utilities is provided as required by City ordinances.***

***A traffic impact analysis (TIA) will be required when the Regulating Plan is submitted. A TIA will need information on the number of lots and associated product types, which will not be formulated until the Regulating Plan is formalized.***

5. Whether the proposed rezoning is likely to have significant adverse impacts on the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation;

***It is unlikely that the proposed rezoning will have significant adverse impacts on the natural environment. Instead the proposed NN-FB, will ensure that the natural features are utilized as an asset not only for the proposed development, but for the larger community. The intent of the FBC is to enhance the site's natural conditions by way of neighborhood design, which happens at the Regulating Plan phase of the FBC development review process. The applicant will attempt to reclaim 13 acres from the floodplain which will require the applicant to go through the FEMA map revision process. However, the area to be reclaimed does not contain any significant tree canopy or vegetation that would be disturbed. Most of the existing tree canopy is located within the floodplain and should not be disturbed by the development.***

6. Whether the proposed rezoning will have significant adverse impacts on other property in the vicinity of the subject tract;

***Staff does not anticipate that the proposed rezoning will have significant adverse impacts on other properties in the vicinity including the existing single family subdivision to the east across Dexham Road. The NN-FB prohibits homes from backing onto a collector street such as Dexham Road. This will prevent Dexham Road from being walled between the new and existing developments.***

***The applicant is proposing a slip street that will provide a buffer from the existing develop and proposed development. The slip street will provide a travel lane and on-street parking that will run parallel with Dexham Road. The proposed cross section for the slip-street is shown on the Framework Plan. There will be a landscaped median between the slip-street and Dexham Road. The NN-FB will require street trees along frontage property at 30-ft on center and additionally a large canopy tree space will be required every two parallel parking spaces. The landscape median will also include a hedge row to provide some screening and separation of the on-street parking from Dexham Road.***

7. The suitability of the subject property for the existing zoning classification and proposed zoning classification;

***The existing zoning classification is suitable for the subject property, if it desired a large lot development. However, unlike the proposed zoning, the current zoning does not further the City's Guiding Principles. For example, the current zoning does not provide or ensure accessible open space. As currently platted, the lots would privatize natural area's along Rowlett Creek and devoid it from becoming a community asset.***

***It is Staff's opinion that the proposed zoning is more suitable for the subject property than the current zoning. As previously mentioned, a NN-FB district will***

**ensure that the design of the proposed neighborhood will utilize the natural area as an enhanced open space that is available to the general public.**

8. Whether there is determined to be an excessive proliferation of the use or similar uses;

**The NN-FB standards require a range of building types to be constructed within a development. The FBC identifies three Building Categories that must be included in New Neighborhood development. For 20 acres and smaller, a minimum of 30 percent from one of the three Building Type Categories will be allocated, while 30 percent will be allocated from any combination of the other two categories. It is Staff's view that the proposed rezoning will not result in an excessive proliferation of a particular housing type in the developable area of the rezoning request.**

9. Whether the proposed rezoning will ensure that future uses on the subject tract will be compatible in scale with uses on other properties in the vicinity of the subject tract; and;

**The proposed rezoning will result in a density that differs from the existing single family lots located within the vicinity of the subject property. However, the proposed slip street combined with Dexham Road will provide a buffer between the two differing scales of development.**

10. The supply of land in the economically relevant area that is in the use district to be applied by the rezoning or in similar use districts, in relation to the demand for that land.

**As it was determined through Realize Rowlett 2020, the City is saturated with inventory from housing products within a very narrow size and price band and cannot afford to add more of the same product to its inventory. The Form-Based Code has been deemed to be the most effective way to achieve the goal of increasing a variety of housing types within the City of Rowlett.**

#### Site Analysis

Prior to formulating the Framework Plan, the applicant prepared a Site Analysis as required by the Form-Based Code. The purpose of a Site Analysis is to evaluate the existing conditions of a property as it relates to both the natural and built environments. To this end, the Site Analysis (Attachment 4) incorporates elements such as view corridors, sun patterns, drainage, vegetation masses, topography, existing utilities, landmarks, etc. The Site Analysis is utilized to determine the approximate location of major elements/infrastructure associated with this development. This Site Analysis is a working document that will continue to be used as a reference as further detail is applied to the development.

#### Framework Plan

The Framework Plan incorporates the development regulations and the spatial exhibit showing high-level features including thoroughfare assemblies and the Major Warrants. Below are the key elements of the Framework Plan:

Open Space: The NN-FB requires 14 percent of the developable area to be comprised of public Open Space. The NN-FB District allows for the floodplain to count towards meeting up to half of the 14 percent requirement. The proposed development is proposing for half of the required open space to include an enhanced floodplain with multi-modal trail system and accessible, neighborhood serving, low-impact recreation amenities in close proximity to the proposed homes. The remaining seven percent of the open space will be provided internally within the development through a series of open spaces for active and passive recreation.

Facing Open Space (Major Warrant): The FBC requires buildings to face the open space including the floodplain utilized as open space. The proposed development will have several lots located at the northwest corner of the development to back against the open space. The applicant is requesting the ability to allow these lots to back onto the enhanced floodplain given the site constraints of the subject property. Staff is supportive of this request as it represents less than a quarter of the perimeter of the floodplain. The perimeter of the floodplain adjacent the proposed development is approximately 2,400 linear feet. The area which the applicant is proposing to have several lots back onto the floodplain is approximately 560 linear feet, which is approximately 24 percent of the perimeter. This combined with the shape and constraints of the subject property, Staff is supportive of this Major Warrant. The UDO does not support this request as indicated in their recommendation (Attachment 5).

Street Typologies: The Framework Plan includes a note that the developer will employ street typologies that were previously adopted in the Woodside Living Framework Plan. The applicant is proposing two established street typologies for this development. One will include a single loaded street with a 12-ft wide trail that will run parallel between the enhanced floodplain and the proposed development. The other proposed street typology is a slip street to provide guest parking for those homes that front along Dexham Road.

Housing Mix: Due to the net development only consisting of 20 acres, the housing mix will include at least 30 percent of the total units constructed will be comprised of NN-Type 1, 2 or 3 residences. At least 30 percent of the total units constructed will be comprised of any combination of the other two NN Building Type Categories.

***The Planning and Zoning Commission voted to recommend a condition to limit the amount of Category Type 2 and 3 at a maximum of 40 percent and 10 percent, respectively. The Commission was concerned with the potential amount of Category Type 2 or 3. The applicant has agreed to the Commission's condition and not to construct Townhomes and/or Multi-Unit Houses. These conditions are reflected in the Framework Plan.***

Lighting Standard (Major Warrant): The Form-Based Code requires a minimum average lighting level of two foot-candles. As it was determined in the Major Warrant that was

approved for The Homestead at Liberty Grove, the two foot-candle minimum is excessive for a residential neighborhood. As a result, the recommend lighting standard of 0.5 foot-candle that was adopted for The Homestead at Liberty Grove will be established for this development. Modification to allow 0.5 foot-candle lighting standard will require approval of a Major Warrant, which can be approved with this Framework Plan.

In summary, the proposed NN-FB to allow a 20-acre pedestrian-oriented, single family neighborhood governed under the City's Form-Based Code is consistent with the Guiding Principles outlined in the Realize Rowlett 2020 Comprehensive Plan. While the subject property was not identified within one of 13 opportunity areas, it is Staff's opinion that the proposed rezoning meets the above criteria for a rezoning. Utilizing the Form-Based Code will ensure that the proposed development achieves many of the Guiding Principles by ensuring a neighborhood design that emphasizes the following:

- Universally Accessible Open Spaces for active and passive recreation
- Variety of building types
- Pedestrian facilities

Staff does not anticipate the proposed development to have an adverse impact on adjacent properties. As it was indicated previously in this staff report, this Framework Plan includes two Major Warrants regarding lighting and open space standards as they pertain to buildings fronting on open space. The Planning and Zoning Commission has the option to make a recommendation on the Framework Plan and the Major Warrants as a whole or individually.

#### Public Notice

Notice of this public hearing was mailed, posted, and published in accordance with State Law and the Rowlett Development Code. Thirty-nine notices were mailed to property owners within 200 feet of the subject property on May 22, 2015, and as of Wednesday, July 1, 2015, Staff has received 15 responses in opposition and none in favor. In addition, 36 courtesy notices were mailed to property owners within 500 feet, of which 15 responses were returned in opposition and one in favor. Staff also received 38 responses in opposition from outside of the notice areas. The public notices, courtesy notices and outside responses are included as Attachments 6, 7 and 8, respectively.

***Staff has confirmed that the protest received from the property owners within 200 feet of the subject properties constitute more than 20 percent of the notice area. Using Geographic Information System software, Staff calculated that the protesting property owners represent 22 percent of the notice area (Attachment 9 – Protest Calculation Map). As a result, per Section 77-805 of the Rowlett Development Code, “approval by the City Council shall only occur with a concurring vote of at least three-fourths of the full membership of the city council.”***

A Legal Notice was published in the *Rowlett Lakeshore Times* on May 28, 2015, pursuant to the requirements set forth in the RDC. A rezoning sign was placed on the subject property on May 29, 2015, in accordance with the RDC and remains on the site today.

#### UDO Recommendation

This request was reviewed by the City's Urban Design Officer (UDO) and the recommendation is included in Attachment 5. In summary, the recommendation from UDO is for approval; however, the UDO does not support allowing homes to back the open space as shown on the Framework Plan.

#### **FISCAL IMPACT/BUDGET IMPLICATIONS**

N/A

#### **RECOMMENDED ACTION**

Staff recommends approval of the request.

#### **ORDINANCE**

**AN ORDINANCE OF THE CITY OF ROWLETT, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP OF THE CITY OF ROWLETT, TEXAS, AS HERETOFORE AMENDED, BY GRANTING A CHANGE IN ZONING FROM SF-40 TO NEW NEIGHBORHOOD SUBDISTRICT OF THE FORM-BASED CODE DISTRICT ("FB DISTRICT") FOR REAL PROPERTY CONSISTING OF 83.25+/- ACRES GENERALLY LOCATED BETWEEN DEXHAM ROAD AND THE WESTERN CITY LIMITS, SOUTH OF THE DALLAS AREA RAPID TRANSIT RAIL LINE, AND BEING DESCRIBED AS LOTS 1 THROUGH 9, BLOCK A, DEXHAM CREEK RANCH ESTATES, CITY OF ROWLETT, DALLAS COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A;" PROVIDING DEVELOPMENT AND USE STANDARDS; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND, PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Planning and Zoning Commission of the City of Rowlett and the governing body of the City of Rowlett, in compliance with state laws with reference to amending the Comprehensive Zoning Ordinance, have given the requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners and interested persons generally, the governing body of the City of Rowlett is of the opinion that said zoning ordinance and map should be amended as provided herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS:**

**Section 1.** That the Comprehensive Zoning Ordinance, Plan and Map of the City of Rowlett, Texas, heretofore duly passed by the governing body of the City of Rowlett, as heretofore amended, be and the same are hereby amended by

granting a change in zoning from Single-Family Residential 40/24 ("SF-40") to New Neighborhood Subdistrict of the FB District for real property consisting of 83.25+/- acres generally located between Dexham Road and the western edge of the City's limits, south of the Dallas Area Rapid Transit rail line, and being described as Lots 1 through 9, Block A, Dexham Creek Ranch Estates, City of Rowlett, Dallas County, Texas, and being more specifically described in Exhibit "A," attached hereto and incorporated herein (hereinafter the "Property").

**Section 2.** That the development standards, warrants and deviations from the Form-Based Code district standards set forth in Exhibit "B" (the "Creekside Village") attached hereto and incorporated herein, shall further be imposed on the development and use of the Property, notwithstanding contrary provisions in the Form-Based Code zoning regulations. All development and use regulations and requirements imposed on property in the Form-Based Code zoning districts shall apply to the development and use of the Property unless in conflict with this ordinance, in which case the provisions of this ordinance, including the regulations and standards set forth in Exhibit "B," shall control. In the event that this ordinance does not include a standard or regulation that is otherwise required for similar or comparable development or uses by the New Neighborhood or Urban subdistricts of the Form Based Code zoning classification, the Rowlett Development Code, or Code of Ordinances, then the standard or regulation required by the applicable subdistrict regulation, the Form Based Code, the Rowlett Development Code, or other ordinance shall control the development and use of the Property.

**Section 3.** That all provisions of the ordinances of the City of Rowlett in conflict with the provisions of this ordinance as applicable to the Property be and the same are hereby repealed and all other provisions of the ordinances of the City of Rowlett not in conflict with the provisions of this ordinance shall remain in full force and effect.

**Section 4.** That an offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

**Section 5.** That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

**Section 6.** That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Rowlett, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**Section 7.** This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

## **ATTACHMENTS**

Exhibit A – Legal Description

Exhibit B – Framework Plan with attachments

Attachment 1 – Location Map

Attachment 2 – Statement of Intent and Purpose

Attachment 3 – Framework Plan

Attachment 4 – Site Analysis

Attachment 5 – UDO Recommendation

Attachment 6 – Public Hearing Notice Responses

Attachment 7 – Courtesy Hearing Notice Responses

Attachment 8 – Outside Responses

Attachment 9 – Protest Calculation Map





# Creekside Village District

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## Overview

Except where noted below, all standards in the City of Rowlett Form-Based Code will govern. The Framework Plan will provide guidance and direction for the application of design standards and principles in approving final Development Plans and permits. As the Creekside Village area was not a part of the City of Rowlett at the time of adoption of the *RealizeRowlett2020* Comprehensive Plan, the comprehensive plan did not establish a vision for this area. However, the Framework Plan for the Creekside Village District does support the following guiding principles of the Comprehensive Plan:

- Make Rowlett a community that is attractive to people at all stages of their lives.
- Invest in places of lasting value and distinctive character.
- Use Lake Ray Hubbard and Rowlett’s natural assets to create a distinctive identity and the quality of life desired by the community.
- Balance growth through efficient development patterns.

**Intent.** It is intended that the Creekside Village is for a neighborhood-friendly, pedestrian-oriented community complemented with extensive open space and convenient access to multiple modes of transportation. This will be achieved by permitting an integrated mix of housing types in order to facilitate and support a place that is attractive for multiple generations, to live, work and play. High quality standards, design parameters and preservation of natural features will provide a comprehensive amenity package.

## Districts

Creekside Village District establishes a New Neighborhood as set out in this Framework Plan. This FB District is modified as set out below.

### **New Neighborhood**

**General Boundaries.** The New Neighborhood FB District is bounded by the M.K.T Railroad to the north, Dexham Road to the east, the City Limit to the west and an existing single-family home to the south.

**Developable Area:** The majority of the subject property is located within the Rowlett Creek Floodplain. The proposed 20 acres of development will require approval of a Rowlett Floodplain Development Permit. This net developable area is bounded by the M.K.T Railroad to the north, Dexham Road to the east and the Rowlett Creek Floodplain to the southwest. (See Attachment 1 – Framework Plan)

**Building Types.** All New Neighborhood Building Types in the City of Rowlett Form-Based Code are allowed in this sub-district.

**Building Height.** Building heights will be in accordance with the New Neighborhood Building Heights in the City of Rowlett Form-Based Code.

**Housing Mix.** A minimum mix of building types will be constructed as follows:

- i. At least 30 percent of the total units constructed will be comprised of NN-Type 1, 2 or 3 residences.
- ii. At least 30 percent, of the total units constructed will be comprised of any combination of the other two NN Building Type Categories.
- iii. No more than 40 percent of the total units constructed will be comprised of NN-Type 2 and no more than 10 percent of the total units constructed will be comprised of NN-Type 3.
- iv. Multi-Unit Houses and Townhomes building types shall not be permitted.

**Streets.** The street system is intended to create a pedestrian and bicyclist-friendly community with easy and convenient access to open space within the floodplain. The proposed interior street adjacent to the floodplain and the slip street along Dexham Road has been identified on the Framework Plan. The remaining streets will employ a variety of street typologies as shown in Attachment 2.

**Open Space.** Open spaces will be employed to generate a sense of identity, image and value creation within the New Neighborhood development. They will provide for neighborhood gatherings and recreation, and will be fronted by residences or community buildings. A minimum of fourteen percent (14%) of the net developable area will be provided as open space; half of that will be located within the floodplain. The open space located within the floodplain will be made universally accessible to the general public and will include a multi-modal trail system that will be amenitized with benches, a picnic table, and horse shoe pits. The retaining wall between floodplain open space and the development shall be designed to ensure universal access to the open space within floodplain. The general locations of the open space and the floodplain trail are indicated on the Framework Plan (see Attachment to this Exhibit).

**Warrants.** The following warrants are granted as a part of the zoning of the New Neighborhood Sub-District:

Facing Open Space:

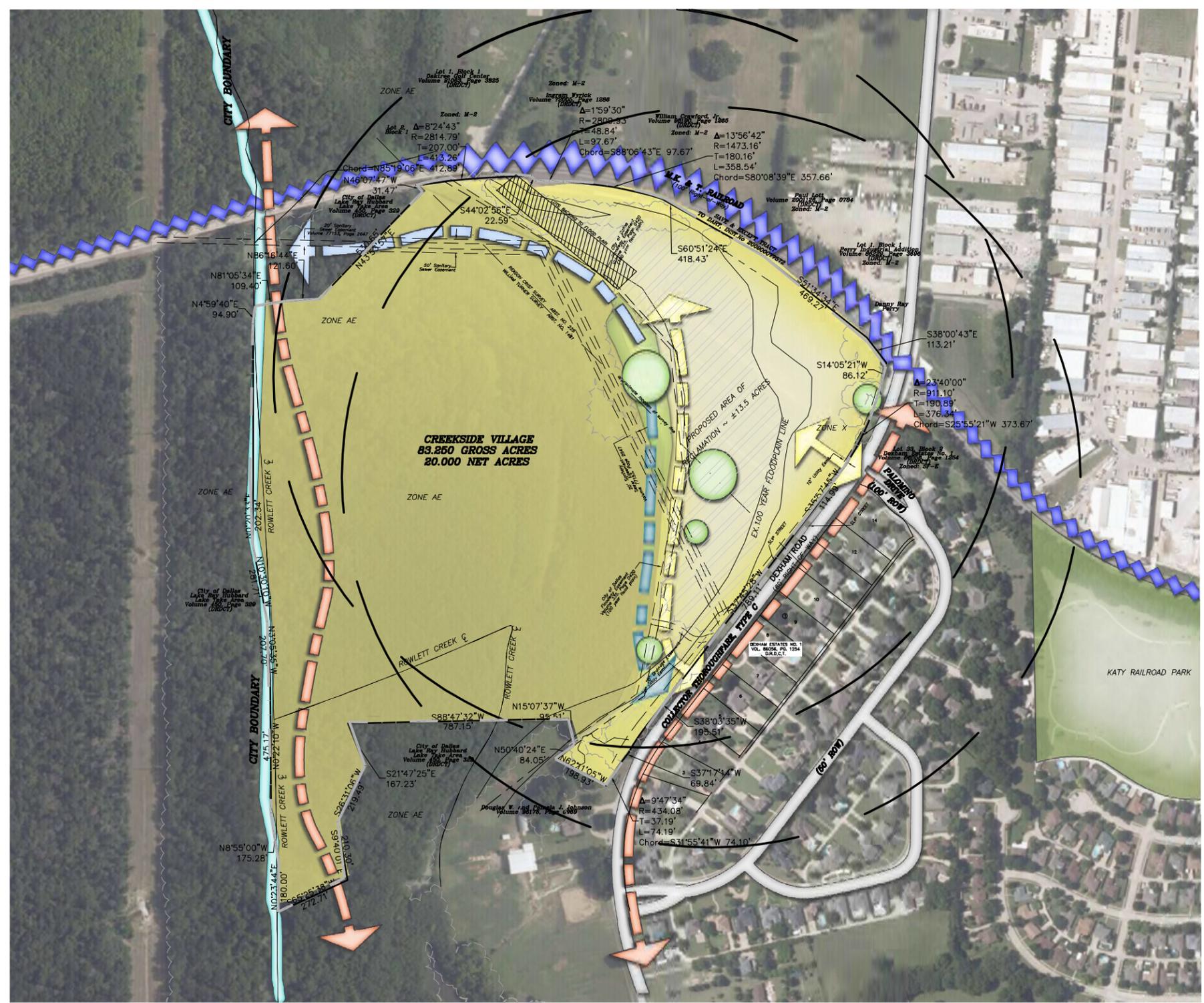
- Allow lots to back to the open space within the floodplain as shown on the Framework Plan.

Lighting Standard:

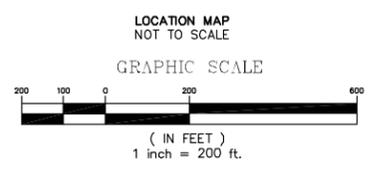
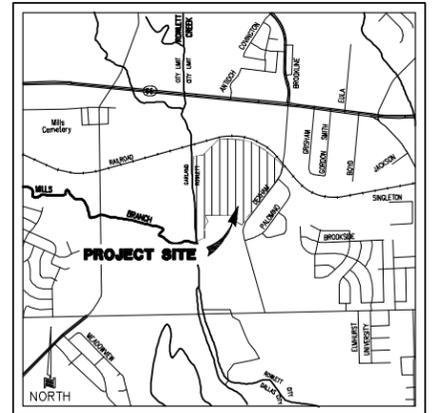
- The average residential lighting levels of 0.5-footcandles shall be provided within the public rights-of-way and pedestrian areas

## Attachments

1. Framework Plan
2. Street Cross Section



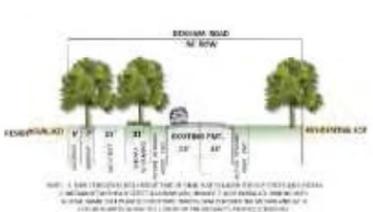
- LEGEND**
- VE = VISIBILITY EASEMENT
  - DE = DRAINAGE EASEMENT
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- = PROPOSED PEDESTRIAN SHED: R=1320 ft.
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- = PROPOSED CITY OF ROWLETT TRAIL
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- = CITY OF ROWLETT BOUNDARY
- = EXISTING CIRCULATION
- = PROPOSED ZONING AREA
- = PROPOSED SLIP STREET

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5. THIS FRAMEWORK PLAN IS FOR ILLUSTRATIVE PURPOSES ONLY AND IS SUBJECT TO CHANGE. SIGNIFICANT DEVIATIONS FROM THIS FRAMEWORK PLAN, AS DETERMINED BY THE DIRECTOR OF PLANNING, WILL REQUIRE AS AMENDMENT TO THE ZONING.
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7. THE OPEN SPACE LOCATED AT THE NORTHEAST CORNER OF THE SITE WILL NOT COUNT TOWARD THE REQUIRED "USABLE" OPEN SPACE.



INTERIOR STREET -  
ADJACENT TO FLOOD PLAIN  
61' ROW



THE STREET TYPOLOGIES NOT SHOWN WILL BE EMPLOYED AT THE REGULATING PLAN FROM WOODSIDE LIVING.

83.250 ACRES  
FRAMEWORK PLAN  
PROPOSED ZONING: NEW NEIGHBORHOOD DISTRICT  
CREEKSIDE VILLAGE  
EXHIBIT B - FRAMEWORK PLAN

AN ADDITION TO THE CITY OF ROWLETT  
REASON CRIST SURVEY ~ ABSTRACT NO. 225  
WILLIAM TURNER SURVEY ~ ABSTRACT NO. 1481  
DALLAS COUNTY, TEXAS  
SEPTEMBER 2014 SCALE: 1"=200'

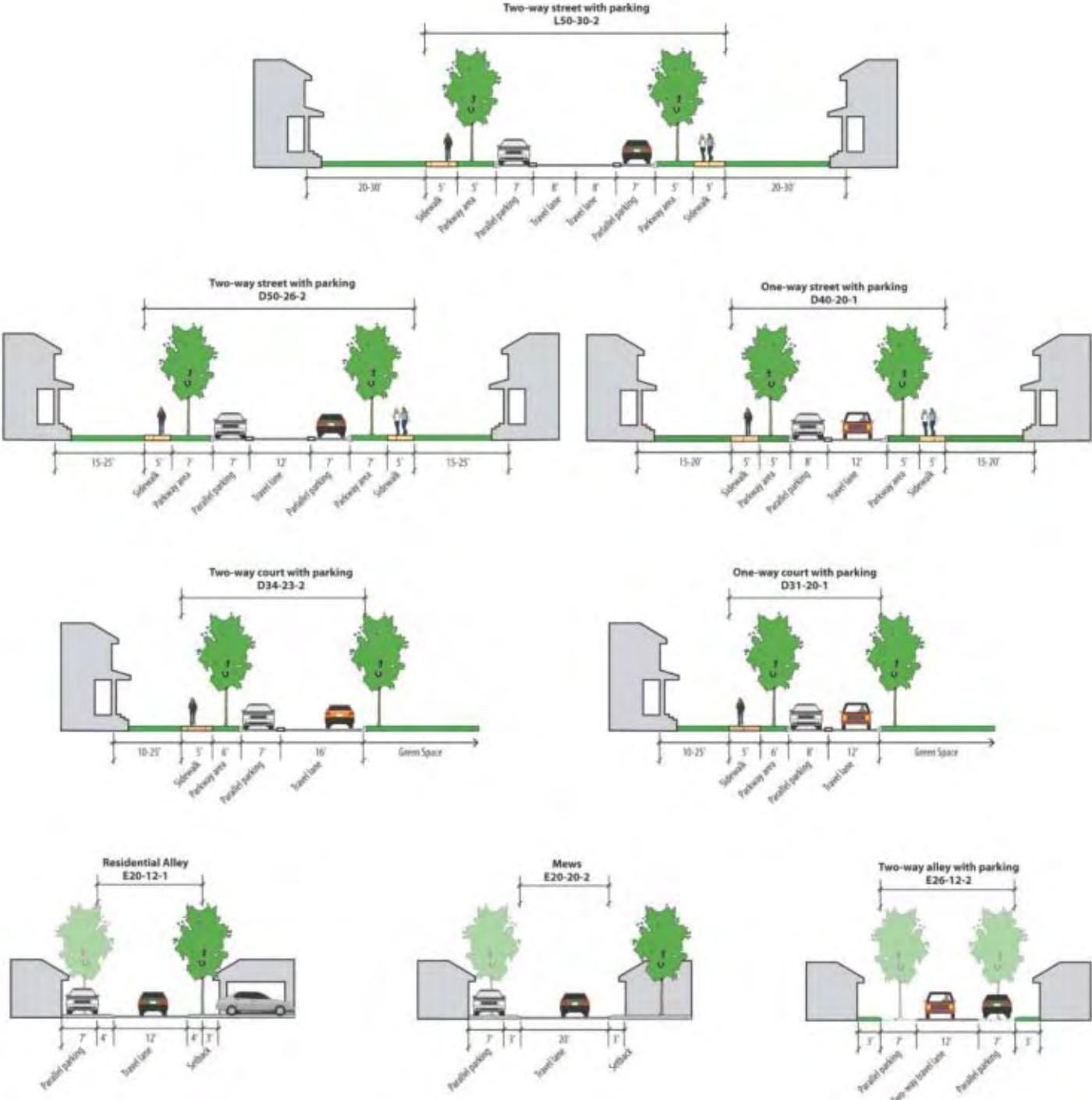
OWNER/APPLICANT:  
**CRESWELL ENTERPRISES, INC.**  
17409 CLUB HILL COURT  
DALLAS, TX 75248  
PHONE: 214-533-7233

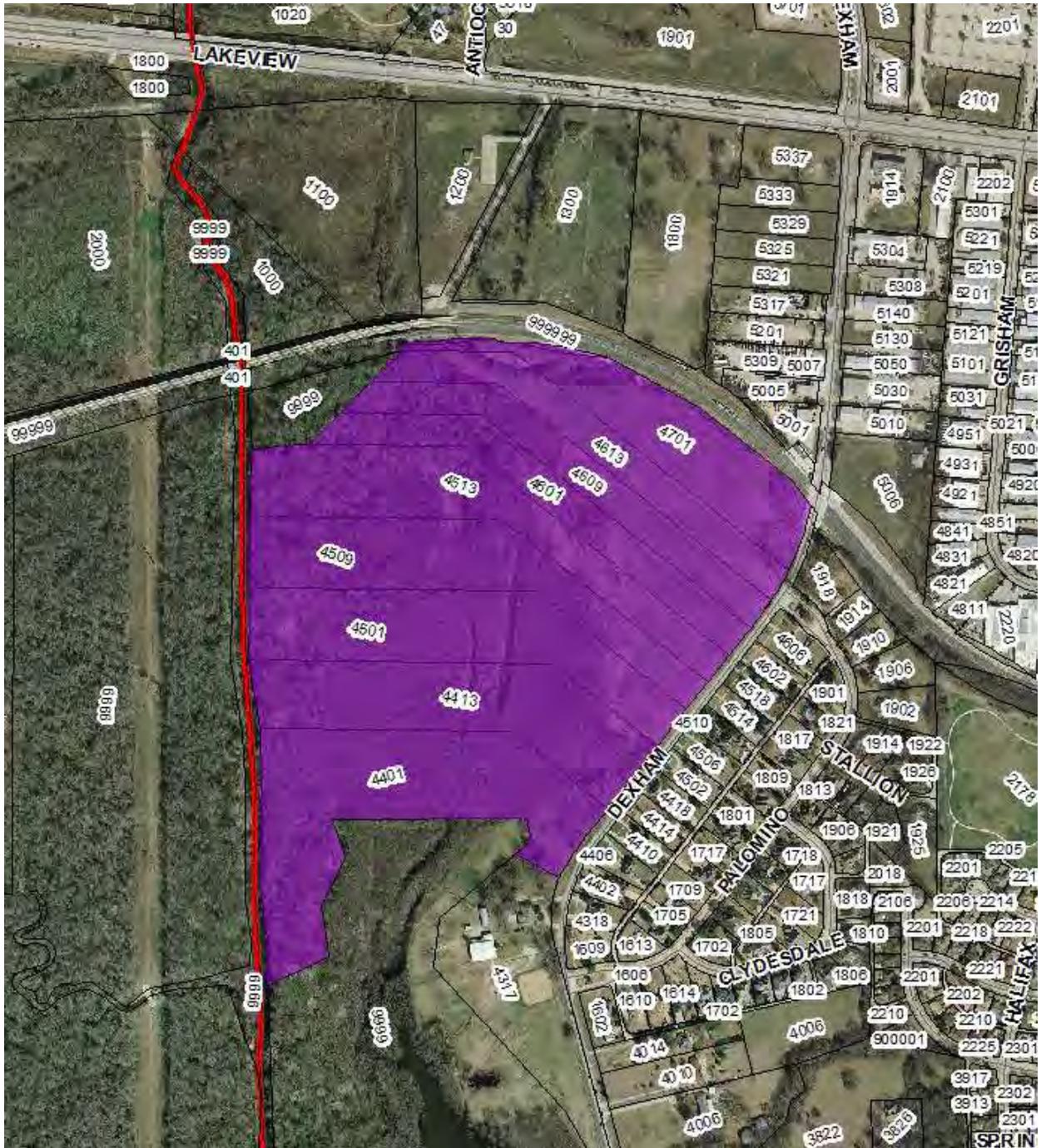
SURVEYOR:  
**LANES SOUTHWEST SURVEYING INC.**  
2717 MOTLEY DRIVE, SUITE B  
MESQUITE, TX 75150  
PHONE: 972-681-4442

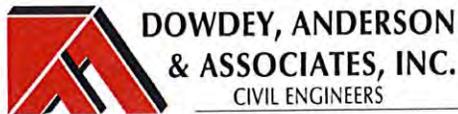
AGENT/REPRESENTATIVE:  
PLANNER/ENGINEER/SURVEYOR

**DOWDEY, ANDERSON & ASSOCIATES, INC.**  
5225 Village Creek Drive, Suite 200 Plano, Texas 75093 972-931-0694  
STATE REGISTRATION NUMBER: F-399

SUBMITTAL: 09-23-14  
RESUBMITTAL: 06-01-15







5225 Village Creek Drive  
Suite 200  
Plano, Texas 75093  
972-931-0694  
972-931-9538 Fax

June 1, 2015

Planning Division / Development Services  
3901 Main Street  
Rowlett, TX 75088

RE: Framework Plan: EXHIBIT C  
Creskide Village (DAA No. 13053A)  
Rowlett, Texas

Dear Mr. Langford,

On behalf of our client, Cresswell Enterprises Inc., please accept this letter as our Statement of Intent to describe and explain the requested Form Based Code (FBC) Zoning – Framework Plan.

**OVERVIEW OF PROJECT GOALS AND OBJECTIVES:**

*This section is preliminary and will be expanded further in subsequent re-submittals.*

The proposed project zoning and development are fashioned in response to the project's unique characteristics, surrounding context and emerging market trends. As proposed, the zoning is anticipated to enable a higher quality of development. The project vision targets a neighborhood friendly, pedestrian oriented community complimented with extensive open space and comfortable access to multiple modes of transportation. While the project embraces the surrounding public edges, it also focuses inward to lend a strong sense of place. This type of development is appropriate to the project context at the fringe of the downtown area.

**DETAILED DESCRIPTION OF PROPOSED ZONING:**

*This section is preliminary and will be expanded further in subsequent re-submittals.*

The zoning is proposed based on the City's recently approved Form Based Code – New Neighborhood category with several requested warrants. The Form Based Code is proposed for the entire 83.250± acres of Dexham Creek Ranch Estates. The proposed zoning is based on a net developable area of approximately 20 acres within the Form Based Code Portion of the subject tract. As such, the zoning request is based on Housing Mix as defined in Section 2.3.2c.3 of the Form Based Code – Housing Mix – 10-20 Acres. The unique shape of this property hinders the development at the northern end of the site, restricted by the limits of the property and the limits of the floodplain. The residential lots that would back to the creek have been identified on the Framework Plan.

The proposed zoning will provide a total of fourteen percent (14%) of public open space; whereas, half of that will be located within the floodplain. The reclaimed flood plain will be accessible to the public and provide a trail connection the City Hike and Bike Trail system. The

open space and trail would be amenitized with benches, a picnic table, and horse shoe pits. Any or all portions of the allocated open space may be retained in Homeowner Association owned lots. Given the irregularity of the property configuration, the proposed zoning incorporates a Major Warrant request to allow for identified lots to back onto open space (see below).

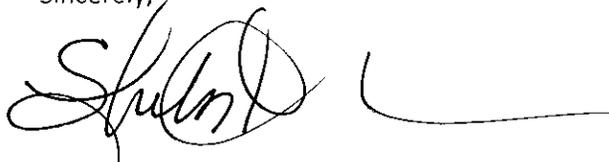
**MAJOR WARRANTS:**

1. *Facing Open Space:*

*There are 7 Estate lots that back to the Floodplain in the northwest corner of the site. The general area is highlighted on the plan.*

Please call me should you have any questions regarding our request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Shelby Griffin', followed by a horizontal line.

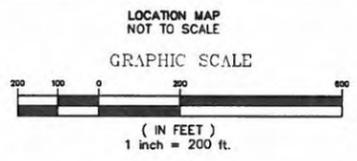
**Shelby Griffin**

Cc: Robert J. Cresswell – Cresswell Enterprises Inc.  
File;



**LEGEND**

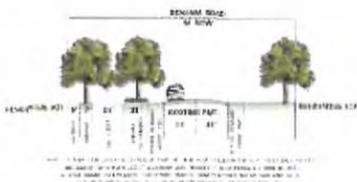
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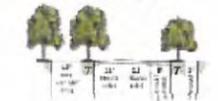
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INTERIOR STREET - ADJACENT TO FLOOD PLAIN 61' ROW



THE STREET TYPOLOGIES NOT SHOWN WILL BE EMPLOYED AT THE REGULATING PLAN FROM WOODSIDE LIVING.

**83.250 ACRES  
FRAMEWORK PLAN  
PROPOSED ZONING: NEW NEIGHBORHOOD DISTRICT  
CREEKSIDE VILLAGE  
EXHIBIT B - FRAMEWORK PLAN**

AN ADDITION TO THE CITY OF ROWLETT  
REASON CRIST SURVEY ~ ABSTRACT NO. 225  
WILLIAM TURNER SURVEY ~ ABSTRACT NO. 1481  
DALLAS COUNTY, TEXAS  
SEPTEMBER 2014 SCALE: 1"=200'

OWNER/APPLICANT:  
**CRESWELL ENTERPRISES, INC.**  
17409 CLUB HILL COURT  
DALLAS, TX 75248  
PHONE: 214-533-7233

SURVEYOR:  
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5225 Village Creek Drive, Suite 200 Plano, Texas 75093 972-931-0694  
STATE REGISTRATION NUMBER: F-399

SUBMITTAL: 09-23-14  
RESUBMITTAL: 06-01-15

**LEGAL DESCRIPTION**  
83.250 ACRES

BEING a tract of land situated in the Reason Crist Survey, Abstract No. 225 and the William Turner Survey, Abstract No. 1481, being all of Lots 1 thru 9, Block A, Dexam Creek Ranch Estates, an Addition in the City of Rowlett, Texas according to the Plat thereof recorded in Volume 2004101, Page 107, Map Records, Dallas County, Texas and being all of those certain tracts of land conveyed to Creswell Enterprises, Inc. by Deeds recorded in Volume 2004125, Page 710, Volume 2004246, Page 3756, Volume 2005139, Page 7710, Instrument No. 200600043095, Instrument No. 20060250519, Instrument No. 20070017127, Instrument No. 20070287904 and Instrument No. 20080021835, all in Official Public Records, Dallas County, Texas.

BEGINNING at a 1/2 inch iron rod set at the intersection of the Southwest line of MK&T Railroad (a 100' ROW) with the Northwest ROW line of Dexam Road (an 80' ROW), said iron rod being at the East corner of said Dexam Creek Ranch Estates;

THENCE: along the Northwest ROW line of Dexam Road and the Southeast line of said Dexam Creek Ranch Estates, the following bearings and distances:

South 15 degrees 08 minutes 41 seconds West, a distance of 86.12 feet to a 1/2 inch iron rod set at the beginning of a curve to the right, having a central angle of 23 degrees 40 minutes 00 seconds, a radius of 911.10 feet and a chord bearing South 26 degrees 58 minutes 41 seconds West, a distance of 373.67 feet;

Southwesterly, along said curve to the right, an arc distance of 376.34 feet to a 1/2 inch iron rod set at the end of said curve;

South 37 degrees 03 minutes 59 seconds West, a distance of 114.95 feet to a 5/8 inch iron rod found for angle point;

South 38 degrees 48 minutes 41 seconds West, a distance of 789.14 feet to a 5/8 inch iron rod set for angle point;

South 38 degrees 48 minutes 41 seconds West, a distance of 195.51 feet to a 1/2 inch iron rod set at the beginning of a curve to the left, having a central angle of 08 degrees 35 minutes 30 seconds, a radius of 788.12 feet and a chord bearing South 33 degrees 57 minutes 12 seconds West, a distance of 118.07 feet;

Southwesterly, along said curve to the left, an arc distance of 119.18 feet to a 1/2 inch iron rod set at the end of said curve;

South 38 degrees 48 minutes 41 seconds West, a distance of 70.29 feet to a 5/8 inch iron rod set at the beginning of a curve to the left, having a central angle of 09 degrees 47 minutes 31 seconds, a radius of 434.08 feet and a chord bearing South 33 degrees 54 minutes 55 seconds West, a distance of 74.10 feet;

Southwesterly, along said curve to the left, an arc distance of 74.19 feet to a 3/4 inch iron rod found at a South corner of said Dexam Creek Ranch Estates and the West corner of a tract of land conveyed to Douglas W. and Pamela J. Johnson by Deed recorded in Volume 96178, Page 969, Deed Records, Dallas County, Texas;

THENCE: North 60 degrees 58 minutes 50 seconds West, departing the Northwest ROW line of Dexam Road, along the common line of said Dexam Creek Ranch Estates and said Johnson Tract, a distance of 198.93 feet to a 1/2 inch iron rod found at the North corner of said Johnson Tract, said iron rod being in a Southerly line of a tract of land conveyed to City of Dallas by Deed recorded in Volume 450, Page 329, Deed Records, Dallas County, Texas;

THENCE: along the common line of said Dexam Creek Ranch Estates and said City of Dallas Tract, the following bearings and distances:

North 51 degrees 58 minutes 56 seconds East, a distance of 83.84 feet to a 5/8 inch iron rod found for corner;

North 13 degrees 45 minutes 18 seconds West, a distance of 96.00 feet to a 5/8 inch iron rod found for corner;

North 89 degrees 50 minutes 09 seconds West, a distance of 787.15 feet to a 3/4 inch iron rod found for corner;

South 20 degrees 25 minutes 06 seconds East, a distance of 167.23 feet to a 5/8 inch iron rod found for angle point;

South 27 degrees 53 minutes 25 seconds West, a distance of 219.49 feet to a 5/8 inch iron rod found for angle point;

South 08 degrees 17 minutes 42 seconds East, a distance of 210.30 feet to a 3/4 inch iron rod found for corner;

South 65 degrees 41 minutes 26 seconds West, a distance of 273.67 feet to a 3/4 inch iron rod found for corner;

North 01 degrees 30 minutes 00 seconds East, a distance of 180.00 feet to a 5/8 inch iron rod found for angle point;

North 07 degrees 48 minutes 44 seconds West, a distance of 175.28 feet to a 5/8 inch iron rod found for angle point;

North 00 degrees 44 minutes 06 seconds East, a distance of 475.17 feet to a 5/8 inch iron rod found for angle point;

North 01 degrees 50 minutes 19 seconds West, a distance of 207.70 feet to a 5/8 inch iron rod found for angle point;

North 09 degrees 23 minutes 54 seconds West, a distance of 281.71 feet to a 5/8 inch iron rod found for angle point;

North 01 degrees 26 minutes 49 seconds East, a distance of 202.34 feet to a 5/8 inch iron rod found for angle point;

North 01 degrees 09 minutes 06 seconds East, a distance of 551.34 feet to a 5/8 inch iron rod found for angle point;

North 06 degrees 05 minutes 56 seconds East, a distance of 94.90 feet to a 3/4 inch iron rod found for corner;

North 82 degrees 11 minutes 50 seconds East, a distance of 109.40 feet to a 5/8 inch iron rod found for angle point;

North 87 degrees 23 minutes 00 seconds East, a distance of 121.60 feet to a 5/8 inch iron rod found for corner;

North 45 degrees 00 minutes 00 seconds East, a distance of 530.80 feet to a 5/8 inch iron rod found for corner;

North 44 degrees 55 minutes 56 seconds West, a distance of 31.44 feet to a 3/4 inch iron rod found in the Southwest ROW line of MK&T Railroad, being in a curve to the right, having a central angle of 01 degree 59 minutes 28 seconds, a radius of 2809.93 feet and a chord bearing North 86 degrees 25 minutes 22 seconds East, a distance of 412.89 feet;

Northeasterly, along said curve to the right, an arc distance of 413.26 feet to a 1/2 inch iron rod set at the end of said curve, said iron rod being at the South corner of a tract of land conveyed to DART by Judgement recorded in Instrument No. 200900077572, Official Public Records, Dallas County, Texas;

THENCE: along the common line of said Dexam Creek Ranch Estates and said DART Tract, the following bearings and distances:

South 43 degrees 03 minutes 07 seconds East, a distance of 22.63 feet to a 1/2 inch iron rod set at the beginning of a curve to the right, having a central angle of 01 degree 59 minutes 28 seconds, a radius of 2809.93 feet and a chord bearing South 87 degrees 03 minutes 21 seconds East, a distance of 97.65 feet;

Southeasterly, along said curve to the right, an arc distance of 97.65 feet to a 1/2 inch iron rod set at the end of said curve and the beginning of a curve to the right, having a central angle of 13 degrees 56 minutes 42 seconds, a radius of 1473.16 feet and a chord bearing South 79 degrees 05 minutes 19 seconds East, a distance of 357.66 feet;

Southeasterly, along said curve to the right, an arc distance of 358.54 feet to a 1/2 inch iron rod set at the end of said curve;

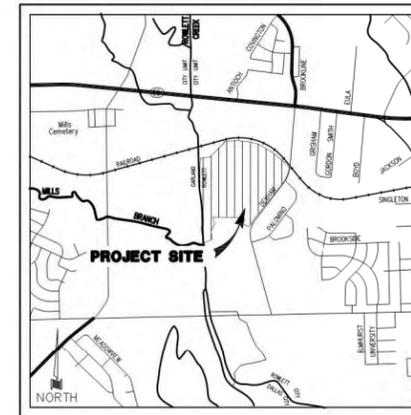
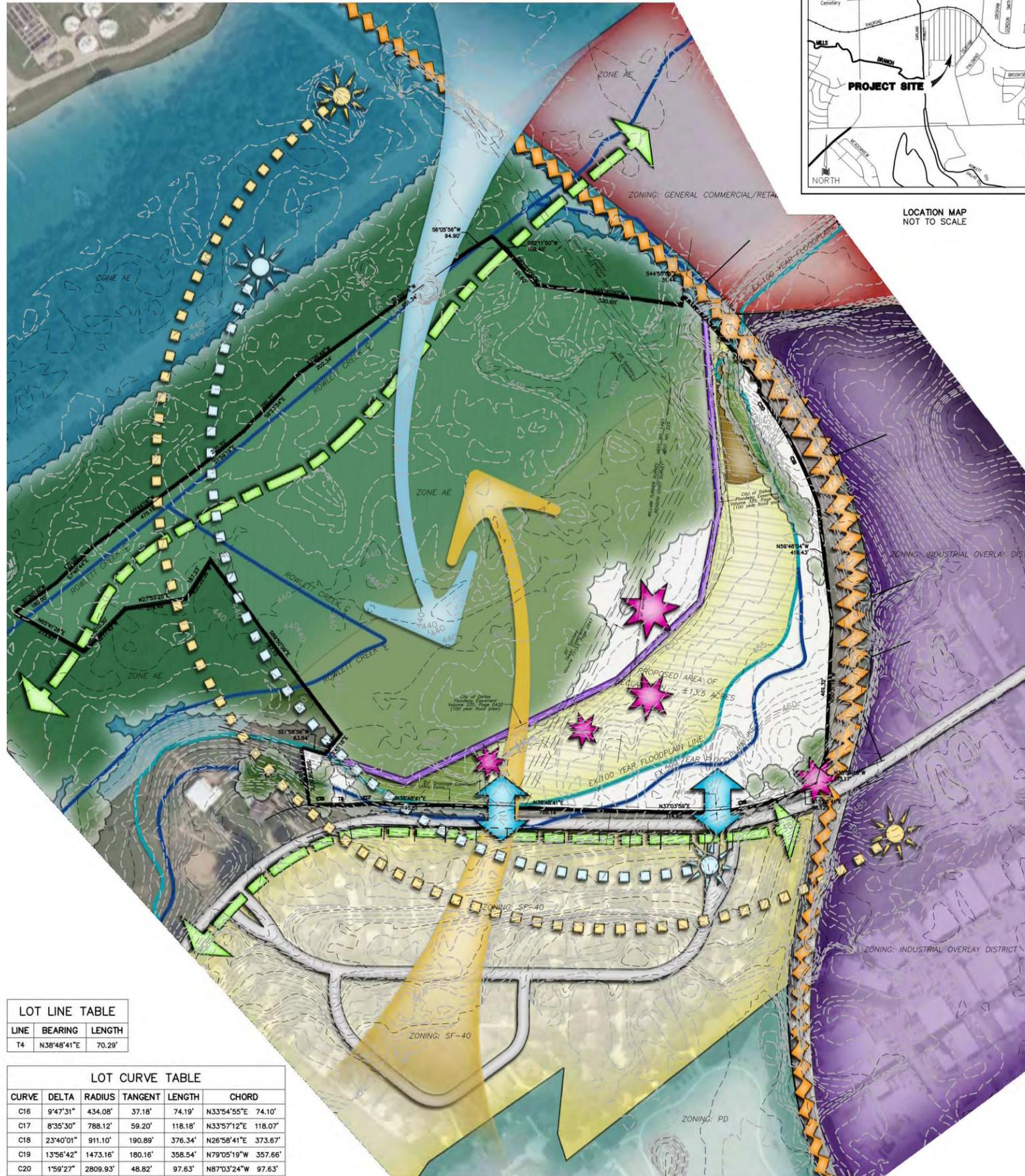
South 59 degrees 48 minutes 04 seconds East, a distance of 418.43 feet to a 1/2 inch iron rod set for angle point;

South 50 degrees 31 minutes 14 seconds East, a distance of 469.27 feet to a 1/2 inch iron rod set for angle point in the Southwest ROW line of MK&T Railroad and the Northeast line of Dexam Creek Ranch Estates;

THENCE: South 36 degrees 57 minutes 18 seconds East, along the Southwest ROW line of MK&T Railroad and the Northeast line of said Dexam Creek Ranch Estates, a distance of 113.20 feet and containing 83.250 acres of land.

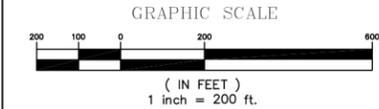
**SURVEYOR DISCLAIMER:**

All information shown hereon has been compiled from Deeds, Plats or Surveys done by other parties. There HAS NOT been any type of survey work performed on the ground by Dowdey, Anderson & Associates, Inc. to determine boundaries, easements, improvements or utilities of any kind. Information shown hereon should not be relied upon as an actual survey.



LOCATION MAP NOT TO SCALE

**ATTACHMENT 4**



**LEGEND**

- VE = VISIBILITY EASEMENT
- DE = DRAINAGE EASEMENT
- UE = UTILITY EASEMENT
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- IRF = IRON ROD FOUND
- <CM> = CONTROLLING MONUMENT
- = PROPOSED SITE ACCESS
- = PROPOSED FOCAL POINT
- = EXISTING TREE MASS
- = EXISTING ZONING: SINGLE FAMILY RESIDENTIAL-40
- = EXISTING ZONING: COMMERCIAL/RETAIL
- = EXISTING ZONING: INDUSTRIAL OVERLAY DISTRICT
- = EXISTING POOR SOILS
- = EXISTING FEMA ZONE AE
- = PROPOSED FEMA 100yr. FLOOD LINE RECLEMATION
- = EXISTING MK&T / DART RAIL LINE
- = PROPOSED CITY OF ROWLETT TRAIL
- = DIRECTION OF WINDER WIND PATTERNS
- = DIRECTION OF SUMMER WIND PATTERNS
- = DIRECTION OF WINDER SUN PATTERNS
- = DIRECTION OF SUMMER SUN PATTERNS
- = CITY OF DALLAS FLOODWAY EASEMENT
- = EXISTING FEMA 100yr. FLOOD LINE
- = EXISTING FEMA 500yr. FLOOD LINE
- = ROWLETT CREEK
- = EXISTING CIRCULATION
- = PROPOSED ZONING AREA

**83.250 GROSS ACRES  
20,000 NET ACRES  
FRAMEWORK PLAN  
CREEKSIDE VILLAGE  
EXHIBIT D – SITE ANALYSIS**

AN ADDITION TO THE CITY OF ROWLETT  
REASON CRIST SURVEY ~ ABSTRACT NO. 225  
WILLIAM TURNER SURVEY ~ ABSTRACT NO. 1481  
DALLAS COUNTY, TEXAS

SEPTEMBER 2014 SCALE: 1"=200'

OWNER/APPLICANT:  
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PHONE: 214-533-7233

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**DOWDEY, ANDERSON & ASSOCIATES, INC.**  
5225 Village Creek Drive, Suite 200 Plano, Texas 75093 972-931-0694  
STATE REGISTRATION NUMBER: F-399

**LOT LINE TABLE**

LINE	BEARING	LENGTH
T4	N38°48'41"E	70.29'

**LOT CURVE TABLE**

CURVE	DELTA	RADIUS	TANGENT	LENGTH	CHORD
C16	9°47'31"	434.08'	37.18'	74.19'	N33°54'55"E 74.10'
C17	8°35'30"	788.12'	59.20'	118.18'	N33°57'12"E 118.07'
C18	23°40'01"	911.10'	190.89'	376.34'	N26°58'41"E 373.67'
C19	13°56'42"	1473.16'	180.16'	358.54'	N79°05'19"W 357.66'
C20	1°59'27"	2809.93'	48.82'	97.63'	N87°03'24"W 97.63'

**TOWNSCAPE, Inc.**  
Town Planning and Urban Design

# Memo

743 WILL RICE AVENUE  
IRVING, TX 75039

Townscape.com

**To:** Marc Kurbansade, Director of Development Services  
**From:** Arti Harchekar, AICP, CNU-A  
**Date:** 2 June 2015  
**Re:** Urban Design Officer Review of Creekside Village  
Framework Plan Package – NN-FB

---

## Urban Design Officer Review

Per your request, we have reviewed the proposed re-zoning request (the *Statement of Intent* and *Framework Plan*), and find that it appears to be in general compliance with the principles of the Form Based Code, with the following exceptions:

1. The preliminary draft plan that was prepared (not part of the zoning) has homes backing onto the floodplain in the northwest portion of the developable area. The applicant should study alternatives with Staff and the UDO as part of the Regulating Plan process. Homes fronting on the natural feature and connected streets can be easily accommodated. Backing homes onto the floodplain fails to take advantage of the value that can be created by enhanced natural features. The natural feature will better serve as an amenity for the neighborhood and the public. It will be a safer place to be, provide a sense of identity, and the value gradient will be captured by the surrounding properties within the neighborhood. And further, a connected street network will provide continuous and comfortable pedestrian circulation throughout the site.

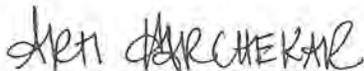
We support, for this particular development site,

1. The floodplain counting for 7% of the 14% required public open space, and the remainder 7% being based on 20 acres of developable area due to the fact that the floodplain will be enhanced with a multi-modal trail system and accessible, neighborhood serving, low impact recreation amenities in close proximity to the variety of housing types, shaded sidewalks and a network of smaller open spaces for active and passive recreation.
2. The New Neighborhood housing mix breakdown of 10-20 acres, due to the fact that only 20 acres of the 83.25 acres is developable with a well-enhanced floodplain.
3. The slip road configuration for Dexham Road, due to the fact that it will allow for visitor parking and the median will have large shade trees to reduce heat build up as well as shrubs to screen parking. While the parallel parking placement is not ideal for pedestrian safety and comfort, a tighter slip road configuration is reasonable based on site and infrastructure constraints.

Please note that as part of the Regulating Plan process -

- The location and design of a connected grid street network, orientation and distribution of housing types, further refinement of open space network and floodplain enhancements will be determined.

**Recommendation:** Approval of the application subject to item 1 above.



Arti Harchekar, AICP, CNU-A  
**TOWNSCAPE, Inc.**



ATTACHMENT 6

Department of Development Services

NOTICE OF PUBLIC HEARING

TO: Property Owner
RE: Application for a Zoning Change with Major Warrants
LOCATION: The subject properties are located at 4401, 4413, 4501, 4509, 4517, 4525, 4533, 4541, 4549, 4557, 4565, 4573, and 4701 Dexam Road (further described as Lots 1 - 9, Block A of the Dexam Creek Ranch Estates). A map is attached for reference. This notice and the hearing area are required under Chapter 211.007 of the Texas Local Government Code.

EXPLANATION OF REQUEST: The applicant request a rezoning from the existing Single Family Residential District to the Neighborhood Form Based Zoning District with Major Warrants for the purpose of building a pedestrian-oriented, single family neighborhood to be governed by the City of Rowlett's Form Based Code. The Major Warrants are to allow modification to the existing Form Based Code standards: lighting and facing open space. (FW14-740)

- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS:

PROPERTY OWNER NAME

(print):

SIGNATURE:

ADDRESS:

Michael Bobbitt
4602 Dexam Rd, Rowlett, TX

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If you have any questions concerning this request, please contact the Department of Development Services
Phone 972-412-6166
FAX 972-412-6228
glangford@rowlett.com

RETURN TO THE DIRECTOR
City of Rowlett
Department of Development Services
3901 Main Street
Rowlett, Texas 75088-1200



Department of Development Services

NOTICE OF PUBLIC HEARING

TO: Property Owner
RE: Application for a Zoning Change with Major Warrants
LOCATION: The subject properties are located at 4401, 4413, 4501, 4509, 4513, 4601, 4609, 4613 and 4701 Dexham Road

EXPLANATION OF REQUEST: The applicant request a rezoning from the existing Single Family-40 Zoning District to the New Neighborhood Form Based Zoning District with Major Warrants for the purposes of building a pedestrian-oriented, single family neighborhood to be governed by the City of Rowlett's Form Based Code.

- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: I am opposed because I do not want any future depreciation of my property to result from the building of new single family homes.
PROPERTY OWNER NAME (print): Jose Garcia

SIGNATURE: Jose Garcia

ADDRESS: 4506 Dexham Rd Rowlett TX 75088

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glangford@rowlett.com

RETURN BY FAX OR MAIL
City of Rowlett
Development Services
PO Box 99
Rowlett, TX 75030-0099

**REASONS TO PROTEST THE NEW ZONING CHANGE**

**This is a HUGE change in the zoning from 9 tracts of land to 100+ lots. The houses will range from homes the size of Dexham Estate homes to Townhouses and could even have some multi-family, according to the proposed zoning plan of "New Neighborhood".**

**Inadequate location for such high density of homes.**

**Poor urban planning to put a high density neighborhood next to a waste water treatment plant, a flood plain and a rail line.**

**The high density of houses will increase traffic; adding at least 200 + cars to an already busy Dexham Rd. Traffic flow is already complicated with the DART going by every 15-20 minutes.**

**Dexham Estates could be subject to security issues with high volume of people in such a concentrated area.**

**Inadequate infrastructure for so many more homes off Dexham Rd. Some residents of Dexham Estates are having sewage drainage problems. This could certainly had to the problem.**

**It's uncertain what the lower end homes could do to the values of Dexham Estates homes.**



Department of Development Services

NOTICE OF PUBLIC HEARING

TO: Property Owner
RE: Application for a Zoning Change with Major Warrants
LOCATION: The subject properties are located at 4401, 4413, 4501, 4509, 4513, 4601, 4609, 4613 and 4701 Dexham Road...

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- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: See attached sheet

PROPERTY OWNER NAME (print): Robert J. & Karen K. Haddox
SIGNATURE: [Signature]
ADDRESS: 4410 Dexham Road

Your written comments are being solicited in the above case. Additional information is available in the Department of Development Services located at 3901 Main Street. The Planning and Zoning Commission of the City of Rowlett, Texas, will hold a public hearing at 7:00 p.m. on the 9th day of June, 2015...

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RETURN BY FAX OR MAIL: City of Rowlett, Development Services, PO Box 99, Rowlett, TX 75030-0099

06-02-15A08:41 RCVD

**TO: City of Rowlett Department of Development Services**  
**RE: Application for a Zoning Change with Major Warrants**

**COMMENTS: We are opposed to this request for a zoning change for many reasons.**

1. Our neighborhood of CUSTOM homes has lots sized from 1/3 – 1 acre; with minimum of 10' between homes, and the minimum square footage is 2500 per home. The new development does not reflect this same type of neighborhood.
2. The property subject to the zoning change is next to a waste water treatment plant, a flood plain and a rail line. This does not seem to bode well for the infrastructure needed as properties in our existing neighborhood continue to experience sewage drainage problems.
3. This zoning change request does not seem to be in agreement with Realize Rowlett 2020.
4. There are already several areas in Rowlett zoned for this type of development (see #3 above).
5. PROPERTY VALUES!
6. Traffic!

06-02-15A08:41 RCVD

Department of Development  
Services

NOTICE OF PUBLIC HEARING

**TO:** Property Owner

**RE:** Application for a Zoning Change with Major Warrants

**LOCATION:** The subject properties are located at 4401, 4413, 4501, 4509, 4513, 4601, 4609, 4613 and 4701 Dexham Road (further described as Lots 1 – 9, Block A of the Dexham Creek Ranch Estates). A map is attached for reference. This notice and the notification area are required under Chapter 211.007 of the Texas Local Government Code.

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I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:

I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:** *This is a drastic change in zoning. High density of Home not appropriate for this small area. The extra 200-300 cars would further increase traffic problem on Dexham. The purpose of pricing will not work next to DART sewage plant + flood plain.*

**PROPERTY OWNER NAME (print):** Betty Littlejohn *Justin Littlejohn*

**SIGNATURE:** *Justin Littlejohn*

**ADDRESS:** 4418 Dexham Rd. Rowlett, TX 75088

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Phone 972-412-6166  
 FAX 972-412-6228  
[glangford@rowlett.com](mailto:glangford@rowlett.com)

**RETURN BY FAX OR MAIL**

City of Rowlett  
 Development Services  
 PO Box 99  
 Rowlett, TX 75030-0099



CHANGE IN OWNERSHIP  
ATTACHMENT 6 IS

Department of Development  
Services

NOTICE OF PUBLIC HEARING

06-04-15A11:04 RC

**TO:** Property Owner

**RE:** Application for a Zoning Change with Major Warrants

**LOCATION:** The subject properties are located at 4401, 4413, 4501, 4509, 4513, 4601, 4609, 4613 and 4701 Dexham Road (further described as Lots 1 – 9, Block A of the Dexham Creek Ranch Estates). A map is attached for reference. This notice and the notification area are required under Chapter 211.007 of the Texas Local Government Code.

**EXPLANATION OF REQUEST:** The applicant request a rezoning from the existing Single Family-40 Zoning District to the New Neighborhood Form Based Zoning District with Major Warrants for the purposes of building a pedestrian-oriented, single family neighborhood to be governed by the City of Rowlett's Form Based Code. The Major Warrants are to allow modification to the following Form Based Code standards: lighting and facing open space. (FW14-740)

- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
- I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:** too much traffic, not enough sewer, not nearly enough room there, lower property values

**PROPERTY OWNER NAME (print):** Angela Mc Gaughey Cleveland Mc Gaughey

**SIGNATURE:** *Angela Mc Gaughey*

**ADDRESS:** 4502 Dexham Rd. - Rowlett, 75088

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 Phone 972-412-6166  
 FAX 972-412-6228  
[glangford@rowlett.com](mailto:glangford@rowlett.com)

**RETURN BY FAX OR MAIL**  
 City of Rowlett  
 Development Services  
 PO Box 99  
 Rowlett, TX 75030-0099



Department of Development Services

NOTICE OF PUBLIC HEARING

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I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS:

PROPERTY OWNER NAME

(print):

SIGNATURE:

ADDRESS:

Johnny & Cassandra Morgan
Cassandra Morgan
4406 Dexham Rd.

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If you have any questions concerning this request, please contact the Department of Development Services
Phone 972-412-6166
FAX 972-412-6228
dlangford@rowlett.com

RETURN BY FAX OR MAIL
City of Rowlett
Development Services
06-04-15 PO Box 99 RCVD
Rowlett, TX 75080-0099



Department of Development Services

NOTICE OF PUBLIC HEARING

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- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: This is exceptional poor urban planning to place a high density neighborhood adjacent to a sewage treatment plant and commuter rail line.

PROPERTY OWNER NAME: These small homes will negatively impact Dexham Estate home values.
SIGNATURE: Larry Perkins, Diane Perkins
ADDRESS: 4414 DEXHAM ROAD ROWLETT TEXAS

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RETURN BY FAX OR MAIL: City of Rowlett, Development Services, PO Box 99, Rowlett, TX 75030-0099



Department of Development Services

NOTICE OF PUBLIC HEARING

**TO:** Property Owner  
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- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
- I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:** *There is already too much traffic on Dexham Rd we do not want the increased number of homes & traffic.*

**PROPERTY OWNER NAME (print):** Sheila J. Platter  
**SIGNATURE:** *Sheila Platter*  
**ADDRESS:** 1609 Palomino Dr.

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 City of Rowlett  
 Development Services  
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 Rowlett, TX 75030-0099



Department of Development Services

NOTICE OF PUBLIC HEARING

TO: Property Owner
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- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: I AM OPPOSED TO ADDING HIGH DENSITY NEIGHBORHOOD IN FLOOD PLAIN, CONCERNS WITH TRAFFIC.

PROPERTY OWNER NAME (print): JOHATHON ROAN
SIGNATURE: [Signature]
ADDRESS: 4317 DEXHAM ROAD ROWLETT TX 75088

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Table with 2 columns: Contact information for questions and return instructions by fax or mail.

06-05-15A10:48 RCVD



Department of Development Services

NOTICE OF PUBLIC HEARING

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- ~~I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:~~
- WE ARE OPPOSED
- I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:** HIGH DENSITY OF HOUSES WILL INCREASE TRAFFIC  
 \*SEE ATTACHMENT\*

**PROPERTY OWNER NAME (print):** MARK AND DEBRA SELLER  
**SIGNATURE:** [Handwritten Signature]  
**ADDRESS:** 1918 PALOMINO DR ROWLETT TX

Your written comments are being solicited in the above case. Additional information is available in the Department of Development Services located at 3901 Main Street. The Planning and Zoning Commission of the City of Rowlett, Texas, will hold a public hearing at 7:00 p.m. on the 9<sup>th</sup> day of June, 2015, and that the City Council will hold a public hearing at 7:30 p.m. on the 7<sup>th</sup> day of July, 2015. Both hearings will be held at the Municipal Center, 4000 Main Street, Rowlett, Texas.

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 Phone 972-412-6166  
 FAX 972-412-6228  
[glangford@rowlett.com](mailto:glangford@rowlett.com)

RETURN BY FAX OR MAIL  
 City of Rowlett  
 Development Services  
 PO Box 99  
 Rowlett, TX 75030-0099

06-05-15A10:48 PM

**REASONS MARK AND DEBBIE SEILER PROTEST THE NEW ZONING CHANGE**

This is a HUGE change in the zoning from 9 tracts of land to 100+ lots. The houses will range from homes the size of Dexham Estate homes to Townhouses and could even have some multi-family, according to the proposed zoning plan of "New Neighborhood".

This is an Inadequate location for such high density of homes.

It is Poor urban planning to put a high density neighborhood next to a waste water treatment plant, a flood plain and a rail line.

The high density of houses will increase traffic; adding at least 200 + cars to an already busy Dexham Rd. Traffic flow is already complicated with the DART going by every 15-20 minutes. The noise is increasing with the large locomotive trains increasing in their traffic.

Dexham Estates could be subject to security issues with high volume of people in such a concentrated area. We already have heavy foot traffic of people passing through.

There is inadequate infrastructure for so many more homes off Dexham Rd. Some residents of Dexham Estates are having sewage drainage problems. This could certainly ~~add~~ to the problem.

It's uncertain what the lower end homes could do to the values of Dexham Estates homes. Our home is on the corner of Dexham and Palomino by the railroad track. We would invite you to tour our place and tell us the value would not decrease with smaller houses and more congestion.

Mark and Debbie Seiler

1918 Palomino DR

Rowlett, TX



Department of Development Services

NOTICE OF PUBLIC HEARING

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**RE:** Application for a Zoning Change with Major Warrants  
**LOCATION:** The subject properties are located at 4401, 4413, 4501, 4509, 4513, 4601, 4609, 4613 and 4701 Dexham Road (further described as Lots 1 – 9, Block A of the Dexham Creek Ranch Estates). A map is attached for reference. This notice and the notification area are required under Chapter 211.007 of the Texas Local Government Code.  
**EXPLANATION OF REQUEST:** The applicant request a rezoning from the existing Single Family-40 Zoning District to the New Neighborhood Form Based Zoning District with Major Warrants for the purposes of building a pedestrian-oriented, single family neighborhood to be governed by the City of Rowlett's Form Based Code. The Major Warrants are to allow modification to the following Form Based Code standards: lighting and facing open space. (FW14-740)

- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
- I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:** *see attached comments*

**PROPERTY OWNER NAME (print):** W. Ann Slack  
**SIGNATURE:** *W. Ann Slack*  
**ADDRESS:** 4514 Dexham Rd.

Your written comments are being solicited in the above case. Additional information is available in the Department of Development Services located at 3901 Main Street. The Planning and Zoning Commission of the City of Rowlett, Texas, will hold a public hearing at 7:00 p.m. on the 9<sup>th</sup> day of June, 2015, and that the City Council will hold a public hearing at 7:30 p.m. on the 7<sup>th</sup> day of July, 2015. Both hearings will be held at the Municipal Center, 4000 Main Street, Rowlett, Texas.

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<p>If you have any questions concerning this request, please contact the Department of Development Services                  Phone 972-412-6166                  FAX 972-412-6228  <a href="mailto:glangford@rowlett.com">glangford@rowlett.com</a></p>	<p><b>RETURN BY FAX OR MAIL</b>                  City of Rowlett                  Development Services                  PO Box 99                  Rowlett, TX 75030-0099                  06-05-15A10:47 RCVD</p>
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Jo Ann Slack  
4514 Dexham Rd.  
Rowlett, TX 75088

May 29, 2015

City of Rowlett  
Development Services  
P.O. Box 99  
Rowlett, TX 75030-0099

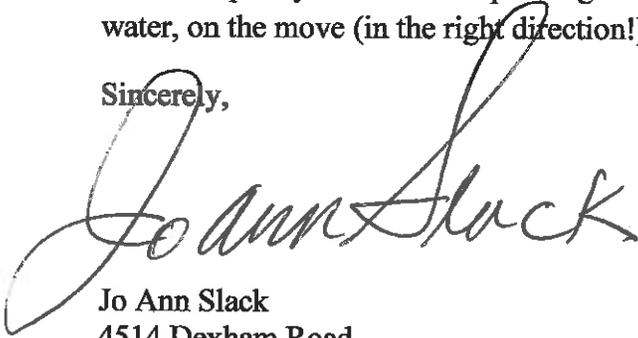
Dear Planning and Zoning Commissioners:

When the comprehensive Master Plan was first developed and adopted (4/24/96) the proposed zoning for land northwest of Dexham Road and south of the DART rail road tracks was SF-E (now reflected as SF-40 in Rowlett's Municode), i.e. residential estates (one acre minimum lot size with 2,400 sq. ft. minimum house size.) My understanding is that the whole intent of the comprehensive Master Plan for this land in question was to preserve the aesthetic beauty and country feel on Dexham Road and have zoning which would be comparable to homes along Dexham Road. The original homes along Dexham Road have acreage – average lot size in Dexham Estates is 19,000 to 24,000 sq. ft. with minimum house size of 2,500 sq. ft. Following the establishment of the SF-40 zoning code, McCool Sullivan & Lilly, P.C., on behalf of the former owner of the land in question filed a protest and opposed the SF-40 zoning and were successful in having an SF-S2 established/adopted (now reflected in the Rowlett's Municode as SF-15 – 15,000 sq. ft. minimum lot size).

In 2001, the Mayor of Rowlett, Shane Johnson, ordered a moratorium which halted approval of plats for future residential building/development. The moratorium was to allow our city officials to reassess Rowlett's adopted zoning to determine if current zoning would be in the best interest of Rowlett and/or complied with the intended land use as it was presented in the comprehensive Master Plan. The City of Rowlett had contracted with HOK. The whole purpose of hiring HOK was to "get a handle" on growth in Rowlett and to ensure that future development would promote and enhance the aesthetic quality of life and the enjoyment of living in Rowlett. Unfortunately, Rowlett had gotten away from the vision of our city planners. Land owners, who either acted alone or in collaboration with developers, were allowed to influence our city officials to change zoning from what was specified in the comprehensive Master Plan to what would best benefit them financially. Fortunately for the citizens of Rowlett, however, our former city officials realized that Rowlett's future had to be protected and reassessed the intent of our city planners as it was expressed in the comprehensive Master Plan. In the spring of 2001, Dexham Estates Homeowners were successful in going before the Planning and Zoning Commission, the City Council and mayor to urge them to change the zoning of the land in question back to SF-40.

Now, Dexham Estates homeowners are facing the intent of the property owner of 4401, 4413, 4501, 4509, 4513, 4601, 4609, 4613 and 4701 Dexham Road (further described as Lots 1 – 9, Block A of the Dexham Creek Ranch Estates) to change the current zoning of that land from SF-40 to the “New Neighborhood Form Based Zoning District with Major Warrants”. This proposed change is not comparable to the current homes on Dexham Road and in Dexham Estates. Our city planners had intended to maintain an aesthetic quality and beauty of being in the country along Dexham Road and for zoning to be comparable to current homes on Dexham Road and in Dexham Estates. Allowing a high density development to be constructed on this property would be in total opposition with the intent of our city planners. At this time, we as homeowners on Dexham Road and in Dexham Estates, respectfully request that you, members of the Planning and Zoning Commission, not approve the application for the zoning change of the land in question from SF-40 to the New Neighborhood Form Based Zoning District with Major Warrants. Consideration perhaps should be given to changing the zoning from SF-40 to SF-20 (a minimum lot size of 20,000 sq. ft.) which would be more in line with the lot sizes of Dexham Estates. We, as citizens and city officials of Rowlett, must strive to preserve the beauty and the aesthetic quality of this fast expanding suburb of Dallas and maintain that Rowlett is truly on the water, on the move (in the right direction!)

Sincerely,

A large, stylized handwritten signature in black ink that reads "Jo Ann Slack". The signature is written in a cursive style with a large, looping initial "J".

Jo Ann Slack  
4514 Dexham Road  
Rowlett, TX 75088

**REASONS TO PROTEST THE NEW ZONING CHANGE**

**This is a HUGE change in the zoning from 9 tracts of land to 100+ lots. The houses will range from homes the size of Dexham Estate homes to Townhouses and could even have some multi-family, according to the proposed zoning plan of "New Neighborhood".**

**Inadequate location for such high density of homes.**

**Poor urban planning to put a high density neighborhood next to a waste water treatment plant, a flood plain and a rail line.**

**The high density of houses will increase traffic; adding at least 200 + cars to an already busy Dexham Rd. Traffic flow is already complicated with the DART going by every 15-20 minutes.**

**Dexham Estates could be subject to security issues with high volume of people in such a concentrated area.**

**Inadequate infrastructure for so many more homes off Dexham Rd. Some residents of Dexham Estates are having sewage drainage problems. This could certainly had to the problem.**

**It's uncertain what the lower end homes could do to the values of Dexham Estates homes.**

*Joann Slack  
4514 Dexham Rd.  
Rowlett, TX 75088*



Department of Development Services

NOTICE OF PUBLIC HEARING

TO: Property Owner
RE: Application for a Zoning Change with Major Warrants
LOCATION: The subject properties are located at 4401, 4413, 4501, 4509, 4513, 4601, 4609, 4613 and 4701 Dexham Road

EXPLANATION OF REQUEST: The applicant request a rezoning from the existing Single Family-40 Zoning District to the New Neighborhood Form-Based Zoning District with Major Warrants for the purposes of building a pedestrian-oriented, single family neighborhood

- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: INADEQUATE LOCATION FOR HIGH DENSITY OF HOMES, SECURITY ISSUES WITH HIGHER VOLUME OF PEOPLE IN AREA

PROPERTY OWNER NAME (print): FLOYD + VICKIE SMITH
SIGNATURE: [Signature] Vickie Smith
ADDRESS: 4402 DEXHAM RD

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Table with 2 columns: Contact information for questions and return instructions by fax or mail.



Department of Development Services

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I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:

I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS:

PROPERTY OWNER NAME

(print):

SIGNATURE:

ADDRESS:

*Kenneth L. and Aileen Svaty (25+ years residents)*

*[Signature]*

*4318 Dexham Rd. - Rowlett, TX 75088*

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Phone 972-412-6166  
 FAX 972-412-6228  
 glangford@rowlett.com

RETURN BY FAX OR MAIL

City of Rowlett  
 Development Services  
 PO Box 99

Rowlett, TX 75080-0099

06-04-15A08:10 RCVD  
 06-04-15A08:10 RCVD

**NOTICE OF PUBLIC HEARING**

**RE:** Application for a Zoning Change with Major Warrants,  
Block A of the Dexham Creek Ranch Estates,

**Property Owner Name:** Kenneth L, and Aileen Svaty,  
(25+ year residents of Dexham Estates, in Rowlett, TX)

**SIGNATURE:**  \_\_\_\_\_

**ADDRESS:** 4318 Dexham Road, Rowlett, TX 75088

I am opposed to the request for the following reasons:

- Changing the zoning from 9 single family lots to 100+ New Neighborhood lots is a huge change, and I do not believe it would be beneficial to the City of Rowlett or for the other residents who live off of Dexham Road, between Miller and Lakeview Parkway.
- The land itself is bordered on the north by the DART Light Rail train tracks as well as regular train tracks; on the south by sewage lines for the entire city of Rowlett, running from the east side of Dexham Road to the Garland Sewage Treatment Facility; on the east by Dexham Road; and on the west by flood plains, Rowlett Creek, and the Garland Sewage Treatment Facility.
- - North Border of the property - About 10-years ago, there was a train derailment and fire on the west side of Dexham Road that would have been on the lot 4701 on your map – it certainly would have been much worse if homes, especially multi-family homes, had been there, The regular train does not run often; however, the DART rail runs 135 times a day on weekdays (67 southbound and 68 northbound trips, if I counted correctly).
- - South border of the property - All sewage for all of Rowlett runs along the east side of Dexham Road then under Dexham Road and across lot 4401 on your map, to the Garland Sewage Treatment Facility. At least one home in Dexham Estates has had sewage back up in their home already. Sewage lines for the new homes, and all other new homes in Rowlett have to tie in to these already overburdened lines. Construction equipment and additional traffic would be driving over these lines also.
- - East border of the property - Dexham Road was never intended to become a through-fare; however, it has become one. Traffic has increased tremendously, and we have had some cases of road rage from people who do not obey the 35 mph speed limit. Dexham Road was not meant to carry the amount of traffic it currently has

adding more vehicles, construction and new home occupants, would create more problems.

West border of the property - Flood plains, Rowlett Creek, and the Garland Sewage Treatment Facility are all on the west. The entire property was filled with dirt from the Lakeview Parkway project; I understand that the city had not approved the fill - it just somehow happened. Adding all of the concrete and infrastructure for this project is sure to affect the flood plain in a negative way.

Thank you for the opportunity to comment.

A handwritten signature in black ink, appearing to read "John Smith", is located in the lower right quadrant of the page.

06-04-15A08:10 RCVD



Department of Development Services

NOTICE OF PUBLIC HEARING

**TO:** Property Owner

**RE:** Application for a Zoning Change with Major Warrants

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- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
- I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:** Flood plain, Traffic Congestion, Sewage

Overhead Security, Property Value Drop

**PROPERTY OWNER NAME (print):** Randall W. Thomas

**SIGNATURE:** *Randall W. Thomas*

**ADDRESS:** 4606 Dexham Rowlett, Tx

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<p>If you have any questions concerning this request, please contact the Department of Development Services Phone 972-412-6166 FAX 972-412-6228 glangford@rowlett.com</p>	<p>RETURN BY FAX OR MAIL City of Rowlett Development Services PO Box 99 Rowlett, TX 75030-0099</p>
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06-04-15A11:05 RCVD



Department of Development Services

NOTICE OF PUBLIC HEARING

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RE: Application for a Zoning Change with Major Warrants
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EXPLANATION OF REQUEST: The applicant request a rezoning from the existing Single Family-40 Zoning District to the New Neighborhood Form Based Zoning District with Major Warrants...

As 20 yr residents of Dexham Estates,

I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
I AM STRONGLY OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: Zoning change does not reflect the current existing Dexham Estates, smaller homes +/or Multi-family homes will decrease home values in Dexham Estates; infrastructure cannot support 200+ more vehicles. We love our quiet neighborhood!

PROPERTY OWNER NAME: Michael + Molly Ulmer
SIGNATURE: Molly Ulmer
ADDRESS: 4518 Dexham Rd Rowlett Tx 75088

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RETURN BY FAX OR MAIL
City of Rowlett
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Department of Development Services

COURTESY NOTICE OF PUBLIC HEARING

**TO:** Property Owner  
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- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
- I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:** *I believe this development will be a great addition for Dexham Road! Long Overdue*

**PROPERTY OWNER NAME**

(print):

*JST GROUP LLC*

**SIGNATURE:**

*[Handwritten Signature]*

**ADDRESS:**

*5806 Lindanshire Ln, Dallas, TX 75230*

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**RETURN BY FAX OR MAIL**

City of Rowlett

Development Services

PO Box 99

Rowlett, TX 75030-0099



Department of Development Services

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- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
- I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:** *Too many houses - trust the concerns on Dexham, Security Issues*

*Too close to RR & Flood Zone*

**PROPERTY OWNER NAME (print):** *Brandi & Gayle Ann Vance*  
**SIGNATURE:** *[Handwritten Signature]*  
**ADDRESS:** *1821 Palomero Dr. Rowlett, TX 75088*

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 Development Services  
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- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:  
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COMMENTS: 1. This is a HUGE change in the zoning from 9 tracts of land to 100+ lots. The houses will range from homes the size of Dexham Estate homes to Townhouses and could even have some multi-family, according to the proposed zoning plan of "New Neighborhood". 2. Inadequate location for such high density of homes. 3. Poor urban planning to put a high density neighborhood next to a waste water treatment plant, a flood plain and a rail line. 4. The high density of houses will increase traffic; adding at least 200 + cars to an already busy Dexham Rd. Traffic flow is already complicated with the DART going by every 15-20 minutes. 5. Dexham Estates could be subject to security issues with high volume of people in such a concentrated area. 6. Inadequate infrastructure for so many more homes off Dexham Rd. Some residents of Dexham Estates are having sewage drainage problems. This could certainly add to the problem. 7. It's uncertain what the lower end homes could do to the values of Dexham Estates homes. 8. Increased storm water runoff into the floodplain. Additional trash and debris into Lake Ray Hubbard.

PROPERTY OWNER NAME  
(print):

E. H. and Betty J. Crosby

SIGNATURE:



ADDRESS:

1809 Palomino Drive, Rowlett, TX 75088

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Phone 972-412-6166  
FAX 972-412-6228

[elengford@rowlett.com](mailto:elengford@rowlett.com)

**RETURN BY FAX OR MAIL**

City of Rowlett  
Development Services  
PO Box 99  
Rowlett, TX 75030-0099

E.H. and Betty J. Crosby  
1809 Palomino Drive  
Rowlett, TX 75088

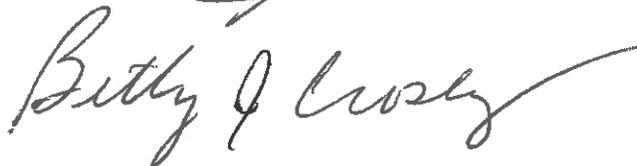
City of Rowlett  
Development Services  
P.O. Box 99  
Rowlett, TX 75030-0099

RE: Zoning change for Dexham neighborhood

We have been away from our home since January of this year but have continued to be in touch with our home owners association regarding the zoning changes request for the neighborhood across the street on Dexham Road.

Our objections are in line with our neighbors. We received an email from our neighbor and have enclosed a copy of our objections to be filed with other home owners from Dexham Estates.

Thank You,  
E.H. (Gene) and Betty Crosby



5-28-2015

06-03-15A11:20 RCVD



Department of Development Services

COURTESY NOTICE OF PUBLIC HEARING

TO: Property Owner
RE: Application for a Zoning Change with Major Warrants
LOCATION: The subject properties are located at 4401, 4413, 4501, 4509, 4513, 4601, 4609, 4613 and 4701 Dexham Road...
EXPLANATION OF REQUEST: The applicant request a rezoning from the existing Single Family-40 Zoning District to the New Neighborhood Form Based Zoning District with Major Warrants...

- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
[X] I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS:

PROPERTY OWNER NAME

(print):

Debra Dotsy

SIGNATURE:

ADDRESS:

1705 Palomino Dr Rowlett Tx 75089

Your written comments are being solicited in the above case. Additional information is available in the Department of Development Services located at 3901 Main Street. The Planning and Zoning Commission of the City of Rowlett, Texas, will hold a public hearing at 7:00 p.m. on the 9th day of June, 2015...

Please legibly respond in ink. If the signature and/or address are missing, your comments will not be recorded. Your response must be received in the Development Service Department by 5 pm on Wednesday, June 3, 2015, for your comments to be included in the Planning and Zoning Commission packet...

If you have any questions concerning this request, please contact the Department of Development Services

Phone 972-412-6166
FAX 972-412-6228
glangford@rowlett.com

RETURN BY FAX OR MAIL

City of Rowlett
Development Services
PO Box 99
Rowlett, TX 75030-0099

U6-04-15A11:04 RCVD



**Department of Development  
Services**

**COURTESY NOTICE OF PUBLIC HEARING**

**TO:** Property Owner

**RE:** Application for a Zoning Change with Major Warrants

**LOCATION:** The subject properties are located at 4401, 4413, 4501, 4509, 4513, 4601, 4609, 4613 and 4701 Dexham Road (further described as Lots 1 – 9, Block A of the Dexham Creek Ranch Estates). A map is attached for reference.

**EXPLANATION OF REQUEST:** The applicant request a rezoning from the existing Single Family-40 Zoning District to the New Neighborhood Form Based Zoning District with Major Warrants for the purposes of building a pedestrian-oriented, single family neighborhood to be governed by the City of Rowlett's Form Based Code. The Major Warrants are to allow modifications to the following Form Based Code standards: lighting and facing open space. (FW14-740)

- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
- I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:**

*not a good location for that many houses. Over crowds the Dexham road. etc.*

**PROPERTY OWNER NAME**

(print):

**SIGNATURE:**

**ADDRESS:**

*Dennis & Robin J. Jend*

*1910 Palomares Dr Rowlett TX*

Your written comments are being solicited in the above case. Additional information is available in the Department of Development Services located at 3901 Main Street. The Planning and Zoning Commission of the City of Rowlett, Texas, will hold a public hearing at 7:00 p.m. on the 9<sup>th</sup> day of June, 2015, and that the City Council will hold a public hearing at 7:30 p.m. on the 7<sup>th</sup> day of July, 2015. Both hearings will be held at the Municipal Center, 4000 Main Street, Rowlett, Texas.

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**RETURN BY FAX OR MAIL**

City of Rowlett

Development Services

PO Box 99

Rowlett, TX 75030-0099



Department of Development Services

COURTESY NOTICE OF PUBLIC HEARING

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**LOCATION:** The subject properties are located at 4401, 4413, 4501, 4509, 4513, 4601, 4609, 4613 and 4701 Dexham Road (further described as Lots 1 – 9, Block A of the Dexham Creek Ranch Estates). A map is attached for reference.  
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*See below for further comments*

I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:  
 I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:** *1) zoning should stay the same, <sup>this</sup> is why we bought our home in Dexham Estates. 2) rezoning is to much density for custom home area*

**PROPERTY OWNER NAME (print):** *MARK & MARY HEMPKINS*  
**SIGNATURE:** *Mark Hempink*  
**ADDRESS:** *1613 Palomino Dr., Rowlett Tx 75088*

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06-04-15A11:02 RCVD 15A11:02 RCVD

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 FAX 972-412-6228  
[glangford@rowlett.com](mailto:glangford@rowlett.com)

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 PO Box 99  
 Rowlett, TX 75030-0099



*3. To much traffic for Dexham Road with high density.  
 4. Dexham Estates is one of the few truly custom home areas in Rowlett.  
 5. Last comment: Do NOT oppose building homes but oppose rezoning for high density housing. Rowlett cannot be that desperate for housing on a walking trail.*



Department of Development Services

NOTICE OF PUBLIC HEARING

**TO:** Property Owner  
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**LOCATION:** The subject properties are located at 4401, 4413, 4501, 4509, 4513, 4601, 4609, 4613 and 4701 Dexham Road (further described as Lots 1 – 9, Block A of the Dexham Creek Ranch Estates). A map is attached for reference. This notice and the notification area are required under Chapter 211.007 of the Texas Local Government Code.  
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- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
- I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:** Poor Urban planning to put high density neighborhood next to waste water treatment plant (AWFUL SMELL) Flood Plain

**PROPERTY OWNER NAME (print):** JAMES HENDRIKSEN  
**SIGNATURE:**   
**ADDRESS:** 1914 PALOMINO DR. ROWLETT, TX 75088

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<p>If you have any questions concerning this request, please contact the Department of Development Services                  Phone 972-412-6166                  FAX 972-412-6228  <a href="mailto:glangford@rowlett.com">glangford@rowlett.com</a></p>	<p><b>RETURN BY FAX OR MAIL</b>                  City of Rowlett                  Development Services                  PO Box 99                  Rowlett, TX 75030-0099</p>
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Department of Development  
Services

NOTICE OF PUBLIC HEARING

**TO:** Property Owner  
**RE:** Application for a Zoning Change with Major Warrants  
**LOCATION:** The subject properties are located at 4401, 4413, 4501, 4509, 4513, 4601, 4609, 4613 and 4701 Dexam Road (further described as Lots 1 - 9, Block A of the Dexam Creek Ranch Estates). A map is attached for reference. This notice and the notification area are required under Chapter 211.007 of the Texas Local Government Code.

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- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
- I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:** All of the attached reasons!

**PROPERTY OWNER NAME (print):** Paul & Cynthia Hooker  
**SIGNATURE:** ~~Paul~~ Cynthia Hooker  
**ADDRESS:** 1721 Palomina Dr. Rowlett 75088

Your written comments are being solicited in the above case. Additional information is available in the Department of Development Services located at 3901 Main Street. The Planning and Zoning Commission of the City of Rowlett, Texas, will hold a public hearing at 7:00 p.m. on the 9<sup>th</sup> day of June, 2015, and that the City Council will hold a public hearing at 7:30 p.m. on the 7<sup>th</sup> day of July, 2015. Both hearings will be held at the Municipal Center, 4000 Main Street, Rowlett, Texas.

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Development Services  
PO Box 99  
Rowlett, TX 75080-0099

**REASONS TO PROTEST THE NEW ZONING CHANGE**

**This is a HUGE change in the zoning from 9 tracts of land to 100+ lots. The houses will range from homes the size of Dexham Estate homes to Townhouses and could even have some multi-family, according to the proposed zoning plan of "New Neighborhood".**

**Inadequate location for such high density of homes.**

**Poor urban planning to put a high density neighborhood next to a waste water treatment plant, a flood plain and a rail line.**

**The high density of houses will increase traffic; adding at least 200 + cars to an already busy Dexham Rd. Traffic flow is already complicated with the DART going by every 15-20 minutes.**

**Dexham Estates could be subject to security issues with high volume of people in such a concentrated area.**

**Inadequate infrastructure for so many more homes off Dexham Rd. Some residents of Dexham Estates are having sewage drainage problems. This could certainly had to the problem.**

**It's uncertain what the lower end homes could do to the values of Dexham Estates homes.**

06-04-15A11:00 RCVD



Department of Development Services

COURTESY NOTICE OF PUBLIC HEARING

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**RE:** Application for a Zoning Change with Major Warrants  
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- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
- I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:** *Inadequate location / infrastructure for*

*such high density duplexes. Property values completed to -*

**PROPERTY OWNER NAME (print):** *LISA MORGAN*

**SIGNATURE:** *Lisa Morgan*

**ADDRESS:** *1805 Valodena Dr. Rowlett TX 75088*

Your written comments are being solicited in the above case. Additional information is available in the Department of Development Services located at 3901 Main Street. The Planning and Zoning Commission of the City of Rowlett, Texas, will hold a public hearing at 7:00 p.m. on the 9<sup>th</sup> day of June, 2015, and that the City Council will hold a public hearing at 7:30 p.m. on the 7<sup>th</sup> day of July, 2015. Both hearings will be held at the Municipal Center, 4000 Main Street, Rowlett, Texas.

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Department of Development Services

COURTESY NOTICE OF PUBLIC HEARING

**TO:** Property Owner  
**RE:** Application for a Zoning Change with Major Warrants  
**LOCATION:** The subject properties are located at 4401, 4413, 4501, 4509, 4513, 4601, 4609, 4613 and 4701 Dexham Road (further described as Lots 1 – 9, Block A of the Dexham Creek Ranch Estates). A map is attached for reference.

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- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
- I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:** 1) Inadequate location for higher density homes because

*built on flood plain, no adequate road system for neighborhood now, much less with added density. 2) Big change in zoning from what has existed.*

**PROPERTY OWNER NAME (print):** Jim and Marcine Mullen

**SIGNATURE:** *Jim Mullen, Marcine Mullen*

**ADDRESS:** 1801 Palomino DR, Rowlett, TX 75088

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 Rowlett, TX 75030-0099



Department of Development Services

COURTESY NOTICE OF PUBLIC HEARING

**TO:** Property Owner  
**RE:** Application for a Zoning Change with Major Warrants  
**LOCATION:** The subject properties are located at 4401, 4413, 4501, 4509, 4513, 4601, 4609, 4613 and 4701 Dexham Road (further described as Lots 1 – 9, Block A of the Dexham Creek Ranch Estates). A map is attached for reference.  
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- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
- I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:** We want the ZONING TO REMAIN SF-40. It will increase # of homes and traffic.

**PROPERTY OWNER NAME (print):** HARRY S. SEIDEL, JR / DAVID J. KOCA  
**SIGNATURE:** *Harry Seidel p. David J. Koca*  
**ADDRESS:** 1901 PALOMINO DRIVE, ROWLETT 75088

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 City of Rowlett  
 Development Services  
 PO Box 99  
 Rowlett, TX 75030-0099

06-04-15A11:02 RCVD



Department of Development  
Services

NOTICE OF PUBLIC HEARING

**TO:** Property Owner

**RE:** Application for a Zoning Change with Major Warrants

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I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:

I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:** Inadequate location for such high density of homes.

PROPERTY OWNER NAME

(print):

Sean Sullivan

SIGNATURE:

Sean Sullivan

ADDRESS:

1717 Palomine Rowlett TX 75088

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City of Rowlett

Development Services

PO Box 99

Rowlett, TX 75030-0099

06-04-15A11:04 RCVD



Department of Development Services

COURTESY NOTICE OF PUBLIC HEARING

PLANNING AND ZONING COMMISSION

**TO:** Property Owner

**RE:** Application for a Zoning Change with Major Warrants

**LOCATION:** The subject properties are located at 4401, 4413, 4501, 4509, 4513, 4601, 4609, 4613 and 4701 Daxham Road (further described as Lots 1 - 9, Block A of the Daxham Creek Ranch Estates). A map is attached for reference.

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- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
- I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:** Concerned that the project will reduce property value in the future

**PROPERTY OWNER NAME (print):** Houtarib Syed / Valarie Syed

**SIGNATURE:** [Handwritten signatures]

**ADDRESS:** 1606 Palomino Dr, Rowlett, TX 75088

Your written comments are being solicited in the above case. Additional information is available in the Department of Development Services located at 3501 Main Street. The Planning and Zoning Commission of the City of Rowlett, Texas, will hold a public hearing at 7:00 p.m. on the 9<sup>th</sup> day of June, 2015, and that the City Council will hold a public hearing at 7:30 p.m. on the 7<sup>th</sup> day of July, 2015. Both hearings will be held at the Municipal Center, 4000 Main Street, Rowlett, Texas.

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Department of Development Services

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**RE:** Application for a Zoning Change with Major Warrants  
**LOCATION:** The subject properties are located at 4401, 4413, 4501, 4509, 4513, 4601, 4609, 4613 and 4701 Dexham Road (further described as Lots 1 – 9, Block A of the Dexham Creek Ranch Estates). A map is attached for reference. This notice and the notification area are required under Chapter 211.007 of the Texas Local Government Code.

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- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
- I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:** Rowlett Dexham Rd & That land cannot

support the proposed addition. We need to raise the bar 7

**PROPERTY OWNER NAME (print):** Julie & Mike Tornatore  
**SIGNATURE:** [Signature]  
**ADDRESS:** 1906 Palomino Dr. Rowlett, TX

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And insist on homes that conform to the original plan for that property.



Department of Development  
Services

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I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:

I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:** FLOOD PLANE / TOO DENSE

**PROPERTY OWNER NAME**

(print):

**SIGNATURE:**

**ADDRESS:**

RANDY & PENNY TOWNZEN  
  
 1701 PALOMINO DR.

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City of Rowlett

Development Services

PO Box 99

Rowlett, TX 75030-0099

07-01-15A08:13 RCVD



06-02-15 P03:21 ROVD

Department of Development Services

COURTESY NOTICE OF PUBLIC HEARING

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- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
- I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:** Rezoning from 9 tracts to 100+ changes the whole complexion of the development & is so different from Dexham Estates which is unique-rural within a city. The DART Rail has affected us negatively ①

PROPERTY OWNER NAME

(print):

Craig & Mary Williams

SIGNATURE:

Craig Williams Mary Williams ①

ADDRESS:

1709 Palomino Dr Rowlett TX

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① with noise & the crossing gates. Adding all the additional cars will really create traffic issues, noise, & disrupt our idyllic little development. I feel this will adversely affect our neighborhoods.



Department of Development Services

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- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: Do not wish to have a large neighborhood/apartments across the street, Too much traffic, security reasons, property values.

PROPERTY OWNER NAME (print): Jessica Allen
SIGNATURE: [Signature]
ADDRESS: 1806 Clydesdale Court Rowlett 75088

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Table with 2 columns: Contact information for questions and return instructions by fax or mail.



Department of Development Services

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I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: We already have enough traffic congestion, Dexham Rd CANNOT take any more traffic, decrease on property value for our nice neighborhood! We have had enough by having to deal with DART!

PROPERTY OWNER NAME (print): Brent & Jennefer Brawley
SIGNATURE: [Signature]
ADDRESS: 1920 Stallion Circle, Rowlett, TX 75088

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Vertical handwritten notes on the left margin: MOST PREFER RE THIS... DEVELOPER WHO WANTS TO MAKE A CASE... PROFIT FROM HIS FLOOD PLANE PROPERTY... REMEMBER WE WANT HAVE TO LIVE HERE... BELIEVE ME HAVING TO LISTEN TO THE DART LAW EVERY 10 MINUTE IS FOLLO... ROWLETT DOES NOT NEED ANY MORE CHEAP HOUSING PROJECTS

Outside of 200'



Department of Development  
Services

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- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
- I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:** devaluation of existing homes & THREATS TO THE General community environment

**PROPERTY OWNER NAME (print):** Jackson Bridges      Phoebe Bridges

**SIGNATURE:** Jackson Bridges      Phoebe Bridges

**ADDRESS:** 1913 Stallion Circle Rowlett TX 75088

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Department of Development Services

NOTICE OF PUBLIC HEARING

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- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: Too many houses in small area 2 Rowlett Property in Dexham Estates & Not enough road capacity for traffic.

PROPERTY OWNER NAME (print): John & Johynn Butler
SIGNATURE: [Signature]
ADDRESS: 1809 Clydesdale Ct

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- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
- I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS:

PROPERTY OWNER NAME

(print):

SIGNATURE:

ADDRESS:

Gayle Carr  
 Gayle Carr  
 1910 Clydesdale Ct. 75088

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I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS:

PROPERTY OWNER NAME

(print):

Louis C Cephus

SIGNATURE:

Louis Cephus

ADDRESS:

5001 Dexham Rd

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06-04-15A11:05 RCVD



**Department of Development  
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I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:

I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:** Plans are too vague to make a choice. Let us see the plans and final count of houses.

**PROPERTY OWNER NAME**

(print):

Edwin Cooley

**SIGNATURE:**

[Handwritten Signature]

**ADDRESS:**

1610 Palomino Dr. Rowlett, 75088

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- I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:** *I have live across the street from this land for 26 years. I am totally opposed to this rezoning.*

**PROPERTY OWNER NAME (print):** *Gregory & Tolene Craig (see attached)*  
**SIGNATURE:** *[Handwritten Signature]*  
**ADDRESS:** *1914 Stallion Circle Rowlett TX 75088*

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Public Hearing Notice for  
 Properties along Dexham Road  
4401, 4413, 4501, 4509, 4513, 4601, 4609, 4613, 4701

I am opposed to the rezoning of the subject property for the following reasons:

- Dexham Estates has been here for 28 years and is one of the premiere properties in Rowlett.
- This proposed rezoned development will negatively impact our property values & quality of life
- The developer rezoned the property years ago in order to save money on infrastructure
- He created 9 estate lots that were a minimum 140' wide & between 6-4 acres each
- The residence of Dexham Estates were happy with the development but no housing was built over an almost 10 year period.
- If the city allows the developer to rezone this property, the lots will be smaller than our lots, the houses will be smaller than our houses & with additional traffic, will downgrade our property!
- The property is at the far western edge of Rowlett and backs up to Rowlett Creek
- In order to fit with the new formed based code - Comprehensive Plan, the developer should be using the 2.5 Rural Neighborhood Standards as Rural Estates and not the 2.3 New Neighborhood Standards
- It appears to me that the landowner is trying to make more money on his development. I bet if he tried to sell the properties for homes less than a \$1,000,000, he might be successful!

I am a 25 year resident living in Dexham Estates, a former P&Z Commissioner in Rowlett & I was appointed by city council to serve on the Realize Rowlett 2020 advisory committee.

I do not believe that New Neighborhood Standards were intended for properties like this one.

Greg Craig



1914 Stallion Circle  
 Rowlett, TX 75089



Department of Development Services

NOTICE OF PUBLIC HEARING

**TO:** Property Owner  
**RE:** Application for a Zoning Change with Major Warrants  
**LOCATION:** The subject properties are located at 4401, 4413, 4501, 4509, 4513, 4601, 4609, 4613 and 4701 Dexham Road (further described as Lots 1 -- 9, Block A of the Dexham Creek Ranch Estates). A map is attached for reference. This notice and the notification area are required under Chapter 211.007 of the Texas Local Government Code.  
**EXPLANATION OF REQUEST:** The applicant request a rezoning from the existing Single Family-40 Zoning District to the New Neighborhood Form Based Zoning District with Major Warrants for the purposes of building a pedestrian-oriented, single family neighborhood to be governed by the City of Rowlett's Form Based Code. The Major Warrants are to allow modification to the following Form Based Code standards: lighting and facing open space. (FW14-740)

- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
- I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:** BUILDING IN FLOOD PLAN IN DANGERS OF FLOODING. YOU

FILLED IN FLOOD PLAN RT ROWLETT RD AND CASTLE. WATER DIVERTED TO PARK

**PROPERTY OWNER NAME**  
 (print): SAMMY A. DOWDLE  
**SIGNATURE:** Sammy A Dowdle  
**ADDRESS:** 5802 ANTIQCH DR ROWLETT, TX 75089

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**RETURN BY FAX OR MAIL**  
 City of Rowlett  
 Development Services  
 PO Box 99  
 Rowlett, TX 75030-0099



Department of Development Services

NOTICE OF PUBLIC HEARING 15-04-15A11:0

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- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
- I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:** We do not want small homes & possibly multi-family units in a flood plain, near waste treatment plant or adding a lot of traffic on Dexham Rd.

**PROPERTY OWNER NAME (print):** CHRIS + MINNI ELKINS  
**SIGNATURE:** *Minni Elkins*  
**ADDRESS:** 1918 Stallion Circle Rowlett TX 75088

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Department of Development Services

NOTICE OF PUBLIC HEARING

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- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
- I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:** *Inadequate location for such high density homes*  
*Dexham Estates could face security issues with so many*  
*people in such a concentrated area*  
**PROPERTY OWNER NAME (print):** *Bobby & Shirley Evans*  
**SIGNATURE:** *Bobby Evans Shirley Evans*  
**ADDRESS:** *1814 Clydesdale Ct*

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Department of Development Services

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I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:

I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:** *The homes will not narrow our neighborhood. Too many homes built in that section.*

**PROPERTY OWNER NAME (print):** *Creating more traffic on 2-lane Dexham which is in need of widening or repair.*  
 Peggy Fitch

**SIGNATURE:** *Peggy Fitch*

**ADDRESS:** *1718 Clydesdale Ct. Rowlett, 75088*

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1-12A08-13 RCVD



Department of Development  
Services

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I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:

I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:**

*Do not want to have flooding.*

*Already subject to flooding on Dexham. Need Nature Trail*

**PROPERTY OWNER NAME**

(print):

*Frances & Joseph Faccibene*

**SIGNATURE:**

*3409 elrodway Trail Rowlett Tx 75088*

**ADDRESS:**

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City of Rowlett

Development Services

PO Box 99

Rowlett, TX 75030-0099

06-24-15P01:26 RCVD



Department of Development Services

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I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:

I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:** Excessive traffic on an already overcrowded road, which is the ONLY road to exit the neighborhood; flood plain = abandoned or ugly property; infrastructure inadequate; Types of proposed homes not consistent/compatible with existing neighborhood. <sup>not additional cars</sup>

**PROPERTY OWNER NAME**

(print):

**SIGNATURE:**

**ADDRESS:**

THOMAS E. & SHARON L. GIPSON

Thomas E. Gipson  
 Sharon L. Gipson  
 1810 Clydesdale Ct.

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 Development Services  
 PO Box 99  
 Rowlett, TX 75030-0099

06-04-15A11:04 RCVD  
 06-04-15A11:04 RCVD



Department of Development Services

NOTICE OF PUBLIC HEARING

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- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
- I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:** Dexham Rd is not large enough to hold the increase in traffic. Smaller houses and multi-family will decrease my property value.

**PROPERTY OWNER NAME (print):** Steve Haught  
**SIGNATURE:** SHaught  
**ADDRESS:** 1925 Stallon Cir Rowlett.

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- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
- I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:** Too much added volume of traffic to Dexham.  
 Strong possibility of lowering our property values.

**PROPERTY OWNER NAME (print):** Michael D. Hildinger / Margaret Hildinger  
**SIGNATURE:** *[Handwritten signatures]*  
**ADDRESS:** 1906 Clydesdale Ct. Rowlett, TX 75088

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Department of Development Services

NOTICE OF PUBLIC HEARING 06-04-15A11:05 RCVD

**TO:** Property Owner  
**RE:** Application for a Zoning Change with Major Warrants  
**LOCATION:** The subject properties are located at 4401, 4413, 4501, 4509, 4513, 4601, 4609, 4613 and 4701 Dexham Road (further described as Lots 1 – 9, Block A of the Dexham Creek Ranch Estates). A map is attached for reference. This notice and the notification area are required under Chapter 211.007 of the Texas Local Government Code.

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- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
- I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:** *too denser, lower-cost housing, larger population, crowded and busier, reduce our properties's value, tax increase*

**PROPERTY OWNER NAME (print):** ICHANHA HOANG  
**SIGNATURE:** *Ichanh V. Hoang*  
**ADDRESS:** 1909 Stallion Circle, Rowlett, TX 75088

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 Phone 972-412-6166  
 FAX 972-412-6228  
[glangford@rowlett.com](mailto:glangford@rowlett.com)

**RETURN BY FAX OR MAIL**  
 City of Rowlett  
 Development Services  
 PO Box 99  
 Rowlett, TX 75030-0099



Department of Development Services

NOTICE OF PUBLIC HEARING

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I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:

I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:** Dexham Rd not big enough for increased traffic that would happen. Security Issue with increase of higher volume in concentrated area

**PROPERTY OWNER NAME (print):** Jennifer Huch  
**SIGNATURE:** [Signature]  
**ADDRESS:** 4014 Dexham Rd

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Department of Development  
Services

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I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:

I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:** *The increased density of the request will be a safety issue, infrastructure issue, value issue and →*

**PROPERTY OWNER NAME**

(print):

**SIGNATURE:**

**ADDRESS:**

*DENNIS JACKSON*  
*1722 Clydesdale Ct 75008*

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07-01-15A08:13 RCVD

quality of life issue for Delham Estates homeowners specifically. I moved to D.E. in 1997 not because it was the nicest neighborhood in Rowlett but because it offered and continues to offer a tranquility you can't buy anywhere else. Most residents in D.E. have been here a long time because we don't want cars running up and down our streets to get to a golf course or some other venue. We like that you don't drive through D.E. to get somewhere else except on Delham. I'm not opposed to a smaller amount of homes built on Delham just not a hundred or more. For the first time in a long time we are seeing home value on the rise in D.E. The proposed zoning will have a negative affect on our values in my opinion because it will spoil the reason why we like it here so well.



Department of Development Services

NOTICE OF PUBLIC HEARING

06-04-15A11:02 RCVD

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I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:

I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: increase in traffic, decrease in property values, increase in crime rate

PROPERTY OWNER NAME

(print):

SIGNATURE:

ADDRESS:

William & Charlene Johnson  
Charles John Wilkins  
1710 Palomina Pa Rowlett, Tx

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RETURN BY FAX OR MAIL

City of Rowlett

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I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:

I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:** SMALL SQ. FT. RESIDENCES AND/OR MULTI-FAMILY UNITS WILL

ADVERSELY AFFECT PROPERTY VALUES, TRAFFIC & CRIME.

**PROPERTY OWNER NAME**

(print):

Gerald Kerby

**SIGNATURE:**

Gerald Kerby

**ADDRESS:**

1706 PALOMINO DR, ROWLETT, TX

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City of Rowlett

Development Services

PO Box 99

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06-04-15A11:03 RCVD



Department of Development Services

NOTICE OF PUBLIC HEARING

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I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:

I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:** Dexham Rd. cannot sustain additional traffic - quiet enjoyment of property will be negatively impacted. Proposed development does not blend is not cohesive - crime rate will increase

**PROPERTY OWNER NAME (print):** Johanne Kerby

**SIGNATURE:** *Johanne Kerby*

**ADDRESS:** 1706 Palomino Dr., Rowlett, TX 75088

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Department of Development  
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06-04-15A11:00 RCVD

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I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:

I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:** REASONS: BUILDING IN AN AREA THAT READILY FLOODS, HIGH

DENSITY NEIGHBORHOOD WOULD STRAIN INFRASTRUCTURE, TRAFFIC AND DEPRESSION OF HOME VALUES.

**PROPERTY OWNER NAME**

(print):

Steven + Catherine Leimbaugh

**SIGNATURE:**

Steven + Catherine Leimbaugh

**ADDRESS:**

1805 Clydesdale Ct.

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Department of Development  
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**COURTESY NOTICE OF PUBLIC HEARING**

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- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
- I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:** Please see attached

**PROPERTY OWNER NAME**

(print):

David Louk & Ruth Louk

**SIGNATURE:**

David E Louk & Ruth Louk

**ADDRESS:**

5913 Covington Rowlett TX

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07-01-15A08:13 RCVD

I am opposed to the rezoning to multifamily housing on dexham road for two major reasons. First of all I am concerned adjusting land out of the flood zone will cause a change to the current flood line. Recently water has crossed the 66 bridge and has come very close to flooding several houses along Springfield park. Any change to the flood plain can cause considerable harm to the current and future housing near Rowlett creek as well as the city sewer plant and road system. At a minimum, an environmental study should be performed with mandatory adjustments to Rowlett creek by the development firm to ensure the construction project does not negatively impact the flood zone.

Probably the more significant reason I am opposed to this new plan is that it will negatively impact the tax base of Rowlett. The current zoning of low occupancy single-family homes fits well with the surrounding area. The community surrounding the purposed development is moderately high value single-family homes. While developing the land might increase the tax basis directly on the property, overall values surrounding this development will plummet causing a likely loss to the Rowlett tax basis. The multi family homes next to a rail line and a sewer plant on the purposed rezoned land will end up being low cost housing due to the undesirable location which will force the house prices down on the development. The side effect will be a loss of pride in the area, which will also increase crime and undesirable activities. This will in turn cause the entire area to lose value and probably end up being a net loss to the Rowlett City tax basis.

I would like to see a return on investment for the landowner and the development of the property, but not at the cost of the City of Rowlett and its nearby residents. Perhaps a smarter avenue for the landowner would be to implement the 9 single family homes with a HOA running a community horse park in the flood zone area and push for agriculture exemption for the horse part of the land. This would provide 9 highly valued additional homes to tax by the City of Rowlett and no change to the flood plain.

Please deny the current rezoning plan.  
Thank you

David E Louk & Ruth Louk

David E. Louk & Ruth Louk  
5913 Covington Dr.

07-01-15A08:13 RCVD



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I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:

I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:** *area becoming crowded - road, congestion.  
concern over smaller, cheaper houses being built.*

**PROPERTY OWNER NAME**

(print):

*Deena McNamee*

**SIGNATURE:**

*Deena McNamee*

**ADDRESS:**

*1702 Clydesdale Court Rowlett 75088*

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please contact the Department of Development  
Services

Phone 972-412-6166

FAX 972-412-6228

[glangford@rowlett.com](mailto:glangford@rowlett.com)

**RETURN BY FAX OR MAIL**

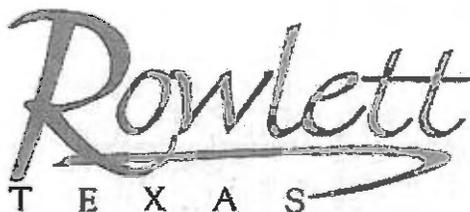
City of Rowlett

Development Services

PO Box 99

Rowlett, TX 75030-0099

06-04-15A11:01 RCVD



Department of Development  
Services

## NOTICE OF PUBLIC HEARING

**TO:** Property Owner

**RE:** Application for a Zoning Change with Major Warrants

**LOCATION:** The subject properties are located at 4401, 4413, 4501, 4509, 4513, 4601, 4609, 4613 and 4701 Dexham Road (further described as Lots 1 – 9, Block A of the Dexham Creek Ranch Estates). A map is attached for reference. This notice and the notification area are required under Chapter 211.007 of the Texas Local Government Code.

**EXPLANATION OF REQUEST:** The applicant request a rezoning from the existing Single Family-40 Zoning District to the New Neighborhood Form Based Zoning District with Major Warrants for the purposes of building a pedestrian-oriented, single family neighborhood to be governed by the City of Rowlett's Form Based Code. The Major Warrants are to allow modification to the following Form Based Code standards: lighting and facing open space. (FW14-740)

I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:

I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

## COMMENTS:

*I believe this is an inadequate location for such a high density of homes. It will greatly increase traffic, creating congestion on Dexham Rd which is only 2 lanes.*

PROPERTY OWNER NAME

(print):

Larry E. Magee

SIGNATURE:

Larry E. Magee

ADDRESS:

1721 Clydesdale Ct. Rowlett Tx 75088

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RETURN BY FAX OR MAIL

City of Rowlett

Development Services

PO Box 99

Rowlett, TX 75030-0099



Department of Development Services

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**REQUEST:** Changing from the existing Single Family-40 Zoning District to the New Neighborhood Form-Based Zoning District with Major Warrants for the purposes of building a pedestrian-oriented, single family neighborhood to be governed by the City of Rowlett's Form Based Code. The Major Warrants are to allow modification to the following Form Based Code standards: lighting and facing open space. (FW14-740)

- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
- I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:** Non Compliant with Neigh Hood

Poor Urban planning to put a high density Neighbourhood!

**PROPERTY OWNER NAME** (print): John + Diane Moore  
**SIGNATURE:** [Signature]  
**ADDRESS:** 1818 Clydesdale Ct Rowlett Texas 75088

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Department of Development Services

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- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
- I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:** *Traffic, Prop values, flood plain*

**PROPERTY OWNER NAME**

(print): JOSH & HEATHER MOORE

**SIGNATURE:** *[Handwritten Signature]*

**ADDRESS:** 1718 PALOMINO DR

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06-05-15A10:48 RCVD



Department of Development Services

NOTICE OF PUBLIC HEARING

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I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:

I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:** ① Change in character of neighborhood ② increased traffic on two lane street that does not have shoulders or turn lanes ③ proposed development is subject to partial flooding as we just witnessed. ④ potential decrease in market value of any R-1 property and home stead.

PROPERTY OWNER NAME

(print):

Gerald D. and Cynthia Anne Murphy

SIGNATURE:

Gerald D. Murphy Jr

ADDRESS:

3826 Dexham Rd, Rowlett, TX

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glangford@rowlett.com

RETURN BY FAX OR MAIL  
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Development Services  
PO Box 99  
Rowlett, TX 75080-0099



1921 STALLION

Department of Development Services

NOTICE OF PUBLIC HEARING

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- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
- I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:** Increased traffic on narrow 2 lane rd already over used. Decrease in property values.

**PROPERTY OWNER NAME (print):** Rich Narramore  
**SIGNATURE:** *Richy Narramore*

**ADDRESS:**

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06-04-15A11:05 RCVD



Department of Development Services

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- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
- I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS:

PROPERTY OWNER NAME

(print):

Fred and Shauna Rashzad

SIGNATURE:

Fred Rashzad

ADDRESS:

1706 Clydesdale Ct, Rowlett, TX, 75088

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- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
- I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:** *this is a HUGE change in the current zoning, there is inadequate infrastructure for so many more homes off Dexham Rd*

**PROPERTY OWNER NAME (print):** Jon + Stacey Simkic  
**SIGNATURE:** *[Handwritten signatures]*  
**ADDRESS:** 4902 Palomino Dr.

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Department of Development  
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I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:

I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:**

SEE ATTACHED

**PROPERTY OWNER NAME**

(print):

Brent C Williams

**SIGNATURE:**

Brent C Williams

**ADDRESS:**

1902 CLYDESDALE CT ROWLETT TX 75088

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City of Rowlett

Development Services

PO Box 99

Rowlett, TX 75030-0099

06-04-15A11:04 RCVD

06-04-15A11:04 RCVD

## REASONS TO PROTEST THE NEW ZONING CHANGE

**This is a HUGE change in the zoning from 9 tracts of land to 100+ lots. The houses will range from homes the size of Dexham Estate homes to Townhouses and could even have some multi-family, according to the proposed zoning plan of "New Neighborhood".**

**Inadequate location for such high density of homes.**

**Poor urban planning to put a high density neighborhood next to a waste water treatment plant, a flood plain and a rail line.**

**The high density of houses will increase traffic; adding at least 200 + cars to an already busy Dexham Rd. Traffic flow is already complicated with the DART going by every 15-20 minutes.**

**Dexham Estates could be subject to security issues with high volume of people in such a concentrated area.**

**Inadequate infrastructure for so many more homes off Dexham Rd. Some residents of Dexham Estates are having sewage drainage problems. This could certainly add to the problem.**

**It's uncertain what the lower end homes could do to the values of Dexham Estates homes.**



Department of Development Services

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- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
- I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:** flood plain area

**PROPERTY OWNER NAME**

(print): Kimberly Waleeth

**SIGNATURE:** *Kimberly Waleeth*

**ADDRESS:** 1710 Citysedale Ct. Rowlett TX 75088

Your written comments are being solicited in the above case. Additional information is available in the Department of Development Services located at 3901 Main Street. The Planning and Zoning Commission of the City of Rowlett, Texas, will hold a public hearing at 7:00 p.m. on the 9<sup>th</sup> day of June, 2015, and that the City Council will hold a public hearing at 7:30 p.m. on the 7<sup>th</sup> day of July, 2015. Both hearings will be held at the Municipal Center, 4000 Main Street, Rowlett, Texas.

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If you have any questions concerning this request, please contact the Department of Development Services  
 Phone 972-412-6166  
 FAX 972-412-6228  
[glangford@rowlett.com](mailto:glangford@rowlett.com)

**RETURN BY FAX OR MAIL**  
 City of Rowlett  
 Development Services  
 PO Box 99  
 Rowlett, TX 75030-0099



Department of Development Services

NOTICE OF PUBLIC HEARING

**TO:** Property Owner  
**RE:** Application for a Zoning Change with Major Warrants  
**LOCATION:** The subject properties are located at 4401, 4413, 4501, 4509, 4513, 4601, 4609, 4613 and 4701 Dexham Road (further described as Lots 1 – 9, Block A of the Dexham Creek Ranch Estates). A map is attached for reference. This notice and the notification area are required under Chapter 211.007 of the Texas Local Government Code.

**EXPLANATION OF REQUEST:** The applicant request a rezoning from the existing Single Family-40 Zoning District to the New Neighborhood Form Based Zoning District with Major Warrants for the purposes of building a pedestrian-oriented, single family neighborhood to be governed by the City of Rowlett's Form Based Code. The Major Warrants are to allow modification to the following Form Based Code standards: lighting and facing open space. (FW14-740)

- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
- I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:** INADEQUATE LOCATION FOR SUCH A HIGH DENSITY OF HOMES.

**PROPERTY OWNER NAME (print):** MATTHEW WISE  
**SIGNATURE:** [Signature]  
**ADDRESS:** 1922 STALLION CIR. ROWLETT TX 75088

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- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
- I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:** Inadequate location for such high density homes

**PROPERTY OWNER NAME (print):** David Wood  
**SIGNATURE:** David Wood  
**ADDRESS:** 1714 Palomino Drive, Rowlett, TX

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**RE:** Application for a Zoning Change with Major Warrants

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I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:

I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**COMMENTS:** Security issues & increased traffic

**PROPERTY OWNER NAME**

(print):

Melissa Wood

**SIGNATURE:**

Melissa Wood

**ADDRESS:**

1714 Palomina Drive, Rowlett, Tx

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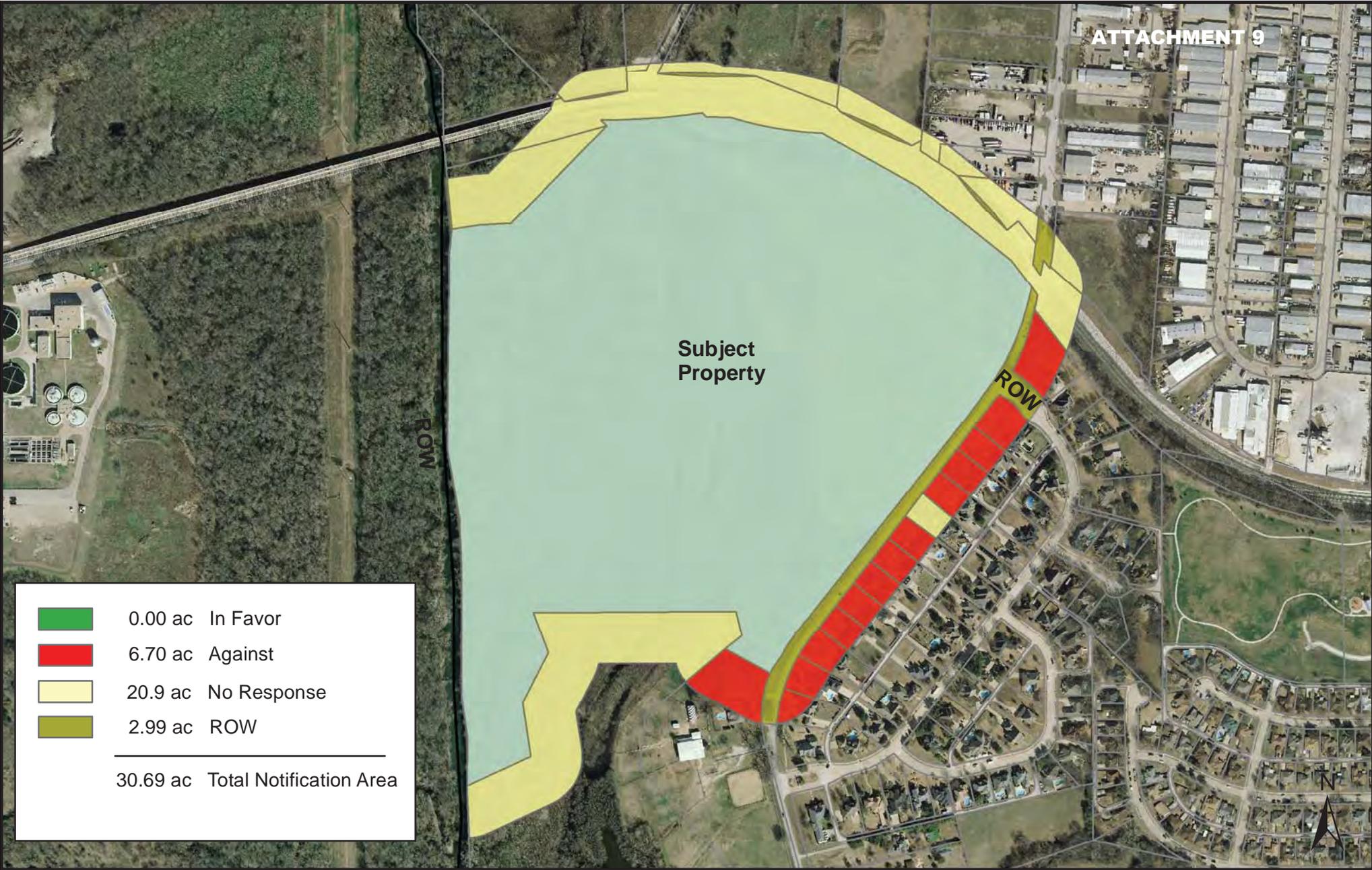
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City of Rowlett

Development Services

PO Box 99

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	0.00 ac	In Favor
	6.70 ac	Against
	20.9 ac	No Response
	2.99 ac	ROW
<hr/>		
	30.69 ac	Total Notification Area



**Creekside Village**  
4401, 4413, 4501, 4509, 4513, 4601, 4609,  
4613, and 4701 Dexham Road  
Map Created: July 1, 2015

**ZONING CHANGE**  
**200 FT NOTICE**  
**LOCATION MAP**